

# **The sustainability of current housing strategies with specific reference to informal settlement.**



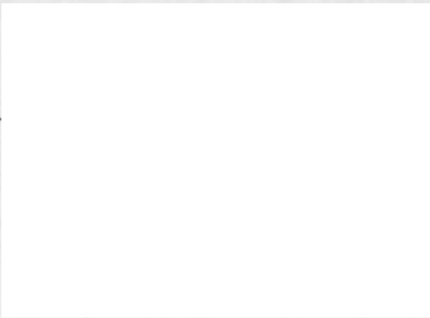
**Assignment presented in partial fulfillment of the requirements for the masters  
degree in Town and Regional Planning at the University of Stellenbosch**

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December 2000**


**Declaration**

I, the undersigned, hereby declare that the work contained in this assignment is my own original work and that I have not previously in its entirety or in part submitted it at any university for a degree.

**Signature**

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**Date**

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## **Abstract**

Informal settlements are a common feature of the urban landscape in contemporary South Africa and constitute one of the biggest challenges to urban planning and management at present. The political and legislative changes over the past decade have altered the approach to the management of informal settlements.

This study starts out by examining the global trends and theory of urbanization, with special focus on the Third World. The various legal and policy frameworks relating to informal settlement and housing, as well as the implications thereof on urban management, are also examined. The assignment then proceeds to analyze the applicability and effectiveness of structured, formalized planning with regard to the management of informal settlement.

The said analysis is followed by recommendations for the management of informal settlement, based on the preceding chapters. These recommendations suggest the following:

- Planners and authorities should be more proactive in planning for informal settlements.
- The applicability of individualized services should be reconsidered due to affordability and the inability of individualized facilities to cater for high levels of immigration.



The study finally examines current strategies employed within the Cape Metropolitan Area, with special reference to the “Fast Tracking” process applied by the Helderberg Municipality.



## Opsomming

Informele nedersettings is 'n algemene gesig in die stedelike landskap van Suid-Afrika en is tans een van die grootste uitdagings in die veld van beplanning. Die politieke en wetlike veranderinge oor die afgelope dekade het groot veranderinge in die benadering en bestuur van informele vestiging tot gevolg gehad.

Die werkstuk begin deur die huidige globale neigings en teorieë oor verstedeliking aan te spreek, met spesifieke verwysing na die Derde Wêreld. Die verskeie wetlike- en beleidsraamwerke waarin informele vestiging en behuising gereguleer word, asook die implikasies daarvan, word ook bestudeer. Die werkstuk analiseer ook vervolgens die toepaslikheid en effektiwiteit van gestruktureerde en geformaliseerde beplanning ten opsigte van informele vestiging.

Die genoemde analise word gevolg deur sekere voorstelle wat gemaak word aangaande die bestuur van informele vestiging. Hierdie voorstelle sluit die volgende in:

- Beplanners en owerhede moet meer pro-aktief wees ten opsigte van bestuur en beplanning van informele vestiging
- Die toepaslikheid van dienste, wat fokus op individuele huishoudings, moet heroorweeg word aangesien dit onbekostigbaar vir beide verbruiker en verskaffer kan wees. Hierdie dienste is ook nie in staat om die invloed van mense te hanteer soos gemeenskaplike dienste nie.

Laastens word sekere van die strategieë wat aangewend word in die Kaapse Metropolitaanse Area ten opsigte van die bestuur van informele vestiging ook bestudeer,

met spesifieke verwysing na die “Fast Tracking” proses soos aangewend deur die Helderberg Munisipaliteit.

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## **Chapter 1:**

### **Introduction**

#### **1.1 Introduction**

Planning in South Africa relates to the spatial, biological and socio-economic dimensions of the environment. Due to the developmental nature of planning it should be holistic in nature with specific reference to certain marginalized and destitute segments of the population. In the current South African scenario, planning should become increasingly focused at righting the wrongs of the past.

The notable increase in informal settlement, especially in the Western Cape is one of the most pressing issues relating to planning at present. This phenomenon should be addressed by the planning profession, which, some planners feel, still remains fixated on applying westernized principles to the South African context.

#### **1.2 Problem statement**

The current housing policies and practice do not address the problems relating to access to adequate shelter as postulated. The financial restraints leave authorities helpless to sufficiently address the issue of housing. While creating some housing, it remains inadequate to meet the ever growing needs of the population. Other factors, like low income and low national levels of employment also render the application of current strategies inefficient, because of the unaffordability of formal housing and services.



The current policies, which are aimed at rendering a “deeper” level of service provision is inappropriate since the majority of factors pertaining to the provision of shelter are not addressed.

### **1.3 Goals of the study**

The problems in the South African approach to housing delivery are of critical importance to the sustainability of cities within the country. The following goals are addressed in this assignment:

- An analysis of the legal framework pertaining to the management of squatting and developmental legislation relating to informal settlements.
- An examination of past and future urbanization trends in South- Africa, with special reference to the Cape Metropolitan Area, to illustrate the scope of the problems relating to informal settlement.
- An analysis of the current housing policies, which regulate the housing delivery processes.
- An exposé of the inappropriate approach to the planning of informal settlements within the current socio-economic context.
- To make recommendations based on the findings of the study to improve current strategies.

### **1.4 Method of Research**

The research consists of a review of the literature relating to applicable policies and legislation regulating and managing informal settlement and its development. The

current South African situation relating to levels of urbanization and housing is also examined. The history of urbanization is also described, since past policies and practices have played a major part in creating the current scenario.

Empirical research consists of interviews with planners and related officials and the detailed examination of case studies relating to the research topic. The case of Helderberg is sited as examples of the problems experienced and the solutions offered in the delivery of housing.

## **Chapter 2:**

# **Historical overview and current situation pertaining to informal settlement**

## **2.1 Introduction**

To fully comprehend the impact of informal settlement on formal, regularized planning, it is necessary to examine the extent and scope of the problem. This chapter will focus on the international and local situation regarding rapid urbanization which, to a great extent, led to the increase in informal settlements. There will also be a section dealing with the historic events which created South Africa's housing problems.

## **2.2 Informal settlement within an international context**

### **2.2.1 Global urbanization**

Urbanization has been a global phenomenon since the turn of the 20<sup>th</sup> century. At the turn of the century, only about 10% of the world's population lived in urban environments (Gelderblom & Kok, 1994:139). According to Clarke (1996:47) only 25% of the world population was urbanized in 1950, and is likely to increase to 75% by 2010. Another characteristic of urbanization, apart from the scale, is the agglomeration of people in so-called mega-cities. These cities, which have populations larger than eight million people, increased from ten, in 1970, to twenty in 1990 (Clarke 1996:46). Globally, there is an emerging pattern of increasing population concentration, especially in the developing



countries. The annual growth rates of these mega-cities in the developing world is set to be around 3,5%.

Another characteristic of current urbanization is that it is predominantly the developing countries which are experiencing the highest rates of rapid urbanization. This is because these countries have the highest natural increase and in-migration to cities. Most of the developed countries in Europe experienced growth rates of less than 0.5 % per annum over the 1990-1995 period. Furthermore, most of these developed countries are characterized by shrinking metropolitan centers and growing towns and small cities. This is in sharp contrast with countries like China whose urban population increased by 226 million people over the last decade (Clarke 1996:41).

Due to different circumstances, urbanization in the developing countries differs markedly from urbanization experienced in the first world.

### **2.2.2 Urbanization in the developing countries**

As mentioned, the developing regions of the world are currently experiencing exceptionally high rates of urbanization. The current rate of global urbanization is estimated at 0.54% annually (Clark 1996:47). At present the biggest shift of population between rural and urban is experienced in Asia and Sub-Saharan Africa. Countries like Mozambique, Botswana, Tanzania and Rwanda have experienced annual urbanization rates in excess of 4% over the 1990-1995 period (Clark 1996:49).

**2.3 Theory of urbanization**

**2.3.1 Urbanization over time**

Urbanization can be seen as a cyclical process through which nations pass as they evolve from agrarian societies to industrialized societies. According to Clarke (1996:48) the typical form of urbanization can be represented with an attenuated ‘S’ (this is also known as a logistic curve). The first, sharp upward bend is associated with high rates of urbanization due to the creation of urban economies. This is followed by a constant (linear) growth until the society reaches a urbanized population of around 60%. The curve then flattens out until a ceiling is reached at about 75% (see figure 2.1).

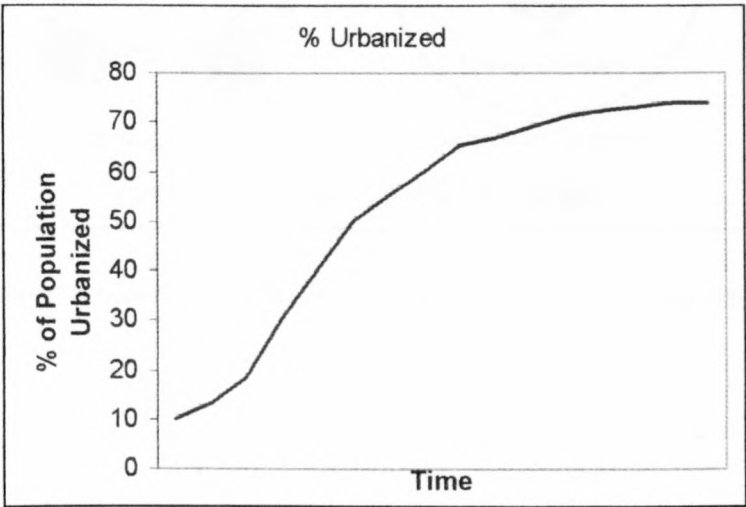


Figure 2.1: The cycle of urbanization (Adapted from Clarke, 1996).

**2.3.2 Spatial implications and form of urbanization**

Opposed to the more regularized process of urbanization experienced in the developed countries early in the 20<sup>th</sup> century, the current experience of urbanization is characterized

by a much less organized pattern. Bechtel (1996) differentiate between the different urbanization trends of developed and developing countries in terms of spatial arrangement. The distinction is made between the “hole” and the “doughnut” urbanization patterns (see figure 2.2). The so-called “hole”-cities are predominantly the urbanization pattern found in developed regions and are defined as cities “where the center of the city decayed and became the recipient of the poor immigrants”. The latter, “doughnut”-cities are “those found in the developing countries where the poorest migrants settled in a ring at the outer edges of the city” (Bechtel 1996:345).

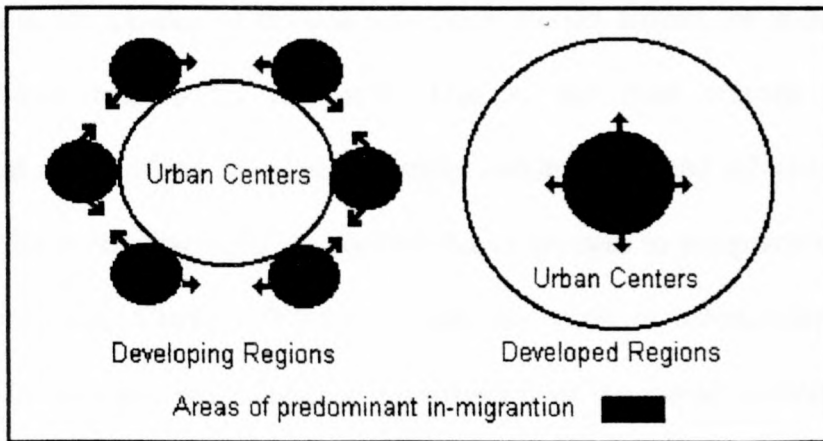


Figure 2.2: The different urbanization trends in developed and developing regions (source Bechtel, 1996).

### 2.3.3 Reasons for urbanization

Urbanization is, despite its current scale and speed, a fairly recent phenomena. According to Clarke (1996:59) “it took eight millennia for the population of the world to rise to 25 per cent urban: it took less than half a century to rise a further quarter to present levels.”



A distinction must be drawn, however, between the reasons for the urbanization process experienced in the developed regions and in the developing regions. In the case of the developed regions, the primary cause of urbanization was the advent of industrialization. This production system necessitated the close spatial agglomeration of labour. The creation of huge surpluses led to a higher level of economic activity which could maintain and benefit the emerging urban society. This “self-perpetuating urbanization” (Clarke 1996:59), gained popularity, and was copied and later on exported to countries with lower levels of development.

Urbanization in the developing regions only really started around the middle of the 20<sup>th</sup> century. Various reasons for this exist. One of the main reasons was that the developmental model of the developed countries (urbanization and industrialization) were exported to the developing countries without mayor changes to compensate for the social and cultural context. Clarke (1996:59) defines this mode of urbanization as “imposed urbanization”. Secondly, the increasing globalization of the world economy also forced developing countries to adopt the industrial production system to remain moderately competitive in the global economy.

#### **2.3.4 Circular and permanent migration**

Two basic forms of migration can be identified, namely permanent and circular migration. The first entails a permanent rural-urban transition where there is a “once-off transfer of individuals” (Gelderblom & Kok 1996:52). Although permanent migration is held to be the norm, circular migration does play an important role, especially with regard to

developing countries. South Africa is a good example of a country where circular migration was more prevalent than permanent migration, due to past policies.

## **2.4 Urbanization and settlement in South Africa**

South Africa did not experience a “natural” urbanization process due to political strategies practiced in the past. These strategies led to a racially based form of urbanization, with whites being predominantly urban and blacks predominantly rural.

### **2.4.1 Historic overview**

South Africa’s history of urbanization is characterized by racial segregation. The previous governments tried to curb black urbanization through various influx control policies and legislation. Africans were essentially viewed as temporary citizens in the “white” cities, and then only as labour for industries. Thus the legislation and policies were aimed at providing mainly temporary housing for predominantly male labour.

#### **2.4.1.1 The late nineteenth century to late 1930’s**

Pass control systems originated in the Cape and the Transvaal, but the increasing demand for labour in the mining industry led to a more widespread implementation of control. Before the unification of South Africa, each of the provinces had their own set of legislation to regulate the movements of Africans and Coloureds within the municipal areas. Legislation included the Registration Law of 1888 of Natal, The Native Reserve

Location Act of 1902 in the Cape Province and The Urban Areas Native Pass Act of 1909 in Transvaal (Hindson 1987:31). These various forms of legislation all used the registration of service contracts as the basic mechanism to regulate African urban settlement. The system did make provision for a limited establishment of African locations within urban areas. Although the government would not accept the permanency of Africans in urban areas, the Housing Committee of 1920 already noted that “a large number of natives are undoubtedly permanent urban residents, and many have been born in locations and know no other home” (Hindson 1987:32).

One of the biggest influences on the consequent control system devised by the government was the Godley Report of 1919 and the Stallard Commission of 1921. The first was aimed at increasing the simplicity of the pass system and to cater for the grievances of Africans without reducing the effectiveness of the controls. The latter investigated the rationalization of local government structures and the issue of African urbanization (Hindson 1987:35).

On recommendations made by the afore mentioned committees, the Urban Areas Act of 1923 was created to set the principles for urban policy. This Act made provisions for the following (Hindson 1987:44):

- Local authorities were empowered to create segregated locations for employed Africans although security of tenure was not given.
- Contract registration was obligatory and failure to comply was criminalized.
- African men from rural areas were forced to remain in labour depots until they found work.



- Urban Africans could be removed from urban areas if they failed to find employment.
- Chronically unemployed or convicted Africans could be imprisoned or sent to labour colonies or rural areas.

The above had, however, little effect on the rapid urbanization of Africans. According to Hindson (1987:42) the annual growth rate of the urban African population grew from 1.5% between 1911 and 1921 to 4.5% between 1921 and 1936. This led to more stringent legislation and enforcement of influx control. These measures included the following (Hindson 1987: 44):

- Amendments to the Urban Areas Act (1923) reduced the mobility of African woman by forcing them to obtain approval certificates to enter proclaimed areas.
- The Native Service Contract Act of 1932, which was aimed at preventing rural workers from deserting farms for towns.
- Further amendments to the Urban Areas Act in 1937 refused African workers entry into towns if there was a surplus of African labour.
- Stricter penalty provisions were introduced to employers who illegally employed Africans. Employers were also held responsible for returning their workers at the end of their contracts.

#### **2.4.1.2 The 1940's to early 1970's**

The 1940's were characterized by less stringent legislation and enforcement of influx control. This was due to the increased demand for labour. Furthermore, industrial growth necessitated the presence of a more skilled, permanent workforce. The massive influx of

Africans to the cities exacerbated the existing housing shortages. It is estimated that the number of unhoused African families living outside locations increased from 86 000 in 1936 to 176 000 in 1951 (Hindson 1987:56). Various squatter movements (these movements were a response to the governments failure to deliver housing) sprang up, forcing the central state to create new townships and to expand African family housing. Low worker productivity due to ill health also motivated the government to address the housing crises experienced. The approach to African urbanization in this era was the stabilization of a permanent, more skilled workforce. This situation led to increased political conflict toward the latter part of the period, as white labour increasingly viewed the urban African workforce as competition.

The empowerment of the National Party in 1948 heralded the Apartheid era. Based on recommendations made by the Sauer report, Africans were once again perceived to be “visitors” within white urban areas. The Sauer report wanted to reduce African urbanization into “white” areas. The ideal was that Africans would be absorbed into Reserve economies, but that temporary labour in white areas would be maintained. Preferential access to housing and services would only be given to urban Africans as long as they remained employed. The temporary nature of African settlement in urban areas was stated in the Native Laws Amendment Act of 1952. Further amendments to the Urban Areas Act strengthened influx control via increased controls to regulate employment, residence and presence in urban areas (Hindson 1987:61). Sauer viewed labour bureaux as the solution to regulating African urbanization. Provision for the establishment of these bodies was already created in 1949. Local labour bureaux were set up in all the urban districts to regulate the movement of African labour by combining the implementation of influx control and labour placement and direction.

Despite more stringent measures, the urban African population grew by 6.6% between 1946 and 1951. This led the State to embark on major resettlement programmes. Forced removals took place and African populations were located on the urban peripheries. It is estimated that around 40 000 houses were created, along with other facilities, over this period. Cape Town Municipality was the exception to the rule, creating only about 700 houses for Africans in the 1950's.

Opposed to the relaxation of influx control in the 1950's the 1960's saw the return of stringent enforcement of African mobility. Security of tenure for African property owners and professionals was removed from the Urban Areas Act. Measures dealing with "the idle and undesirable" (Section 29 of the Act) were broadened to include Africans who refused three times to do work offered by the labour bureaux, who failed to keep a job for at least a month or who were discharged for misconduct more than three times a year. Exemptions from Section 10 of the Act, which stated that no African could stay in a municipal area for longer than 72 hours without the permission of an officer, were also reduced to strengthen influx control (Hindson 1987: 69). Furthermore, migrants' contracts would only be renewed if they returned home at least once a year, effectively excluding them from regaining residence rights.

Around this time the government began to introduce a policy of industrial decentralization in an effort to prevent further African immigration to the urban centers. This policy was closely tied to the housing strategy. Although housing provision continued throughout the sixties, it decreased towards the end of the decade. The provision of housing was increasingly confined to the homelands in an attempt to reverse African urbanization. The



effect of this approach was not the retardation of urbanization, it was rather the displacement of urbanization to the homelands.

The Control Measures Committee of 1967 recommended the establishment of Bantu Affairs Administration Boards, which would reduce African mobility via stricter influx legislation to reduce the surplus labour in towns and cities. These boards failed to address the urbanization issue, since they only displaced the surplus population to the homelands, instead of reducing immigration. The boards failed to convert settled township dwellers into temporary migrants, but rather created the establishment of a stabilized urban labour force; African workers forced into cross-border commuting between Bantustans and the white areas (Hindson 1987: 72).

#### **2.4.1.3 Influx control in the 1970's and 1980's**

The seventies witness a shift in the government's approach to control African urbanization. Housing provision and industrial decentralization were increasingly employed to manipulate African settlement. Legislative changes, which aimed to regulate African mobility via the deproclamation of townships and controls over squatting and illegal settlement, were also introduced. During this period, there was a marked reduction in the number of pass-related arrests, since the pass system was no longer the main instrument for control. Housing delivery in white areas focused to a large extent on the provision of hostels for the workforce. This, together with the squatter related legislation were used to curb African urbanization.

In 1979, the government adopted another strategy, mainly aimed at creating a distinction between an urban and rural African population. The strategy was aimed at increasing the mobility of urban Africans while at the same time using more stringent influx controls. The idea was that urban Africans should be able to enjoy more freedom within urban areas, but that rural Africans should have reduced access to these urban areas. The Riekert Report on Manpower Mobilization (1979) wished to scrap directly repressive and racially discriminatory legislation. According to Hindson (1987:84) the Riekert Commission wanted the “liberalization of labour markets to be accompanied by political decentralization and privatization of township housing and services.” The implementation of Riekert’s recommendations was unsuccessful and the government failed to make a distinction between urban “insiders” and “outsiders”. This was due to the increasing integration of the homelands’ and “white” South Africa’s economies through temporary migration, commodity markets and the monetary system. Another blow to the Riekert strategy was the rapid increase of informal settlements and squatters. The failure of the system was evident with the acceptance of the squatter communities in and around Cape Town. These squatters could, however, only remain in the area on the condition that they be removed to Khayelitsha (Hindson 1987: 87).

Two reports, the Croeser Report (1982) and the Kleu Report (1983), significantly influenced the government’s urbanization strategy during the 1980’s. These reports requested the creation of developmental and metropolitan regions in which urbanization strategies would be implemented. Regional Service Councils were created to manage these regions and African local authorities could be represented on these regional councils. The Croeser report further urged the fiscal management of urbanization. Labour was “to be

discouraged from entering metropolises by linking provision of municipal services directly to the ability to pay local taxes” (Hindson 1987:90).

The urbanization strategy set out by the President’s Council Report in September 1985 incorporated the ideas put forward by the afore mentioned reports. The strategy proposed the resettlement of African migrants in residential areas near deconcentrated industrial zones on the peripheries of metropolitan regions. Housing provision was to be linked to the creation of employment. Service delivery was to be differentiated with higher standard infrastructure provision within existing townships and lower standard services in the peripheral areas. Furthermore, the establishment of informal settlements was to be linked to the strategy of employment creation. There were also suggestions for the legalization of the informal sector. In 1986 influx control was scrapped from legislation.

#### **2.4.1.4 The transition period**

The release of ex-president Nelson Mandela and the unbanning of the ANC heralded change in South Africa. In 1994 with the first democratic election, South Africa’s racially based legislation was scrapped. Influx orientated legislation, which had been watered down since the late 1980’s, was finally abolished in this era

### **2.5 Current situation regarding urbanization patterns**

South Africa is still currently experiencing high rates of African urbanization, especially in the Western Cape Province. It is estimated that, at present, around 26 million people within South Africa are urban (Ministry in the Office of the President, 1995:16). The said



number of people constitutes around 65% of the total population. The greatest of these urban agglomerations are the three metropolitan areas of the Witwatersrand / Pretoria, Durban and Cape Town and together constitute about 70% of the total urban population.

The current policy guiding urbanization, The Urban Development Strategy of the Government of National Unity 1995, predicts that continued urban growth can be expected at a rate of about 3.1% per annum. In light of this, it is suggested that there is “no justification for interventionist policies which attempt to prevent urbanization” (Ministry in the Office of the President, 1995:17).

During the Apartheid-era, the most stringent enforcement of influx control was executed in the Western Cape, as a result of the Coloured Labour Preference Policy. The scrapping of this and other related legislation have caused a surge of Africans migrating to the Cape Metropolitan Area (CMA). The same rapid immigration is, however occurring in other metropolitan centers, although not to the same extent as the CMA. Due to the unique nature of urbanization and the relevance to the context of the research, the current urbanization trends in the CMA are examined in more detail.

### **2.5.1 Current urbanization trends in the Cape Metropolitan Area**

The Cape Metropolitan Area is experiencing higher than the national average urbanization. Three main distinctions can be made with regard to the urbanization pattern experienced in this area. These can be classified as black, coloured and white urbanization. The most significant in terms of real effect is black urbanization, due to its scale. A report drawn up by the Department of Sociology (Stellenbosch) and the Department of Housing

(Cape Metropolitan Council) estimates the migration rate of blacks to the area to be around 3 to 6% per annum (Cross et al 1999: 3).

The reason for this high urbanization rate is the relatively low economic activity in rural areas which forces the rural population to migrate to the areas with better opportunities and services: the cities. The Report states the following: "...the underlying rate of flow appears guaranteed to remain fairly high on average in response to the rural crisis of unemployment and a collapsing land economy for the poor" (Cross et al 1999:3). This is especially true with regard to the Eastern Cape area from where most of the migrants originate. The said province has the highest unemployment rate in the country according to the 1996 census. It is estimated that 48.5% (Statistics South Africa, 2000:41) of the working population are unemployed. Added to this is the fact that the Eastern Cape is also the least urbanized province in the country with only 36.6% of the population urbanized (Statistics South Africa, 2000:9).

The high influx of people has left the local authorities of the CMA helpless to meet the demand for housing brought about by the constant influx of people, and have resulted in informal settlements in the peripheral areas of the CMA as well as those urban areas with insufficient services. This situation has serious implications on creating a sustainable urban agglomeration over the long run. The Report by Cross et al (1999:4) sums this problem up as follows:

For the Black Population, the rate of flow reaching Cape Town over the past 15 years has far exceeded the delivery capacity of the municipal system. The expansion and mobilization of informal settlement and housing systems have been an effective reaction

from the standpoint of the migrants themselves, but face the city with perhaps its most grave challenge. It is not clear how far the urban government in the CMA can provide housing and services against high levels of migration by the black rural poor, while sustained urban growth will be necessary to hold migration in a viable relation to employment.

## **2.6 The applicability of current housing strategies in light of urbanization**

The history of South Africa's urbanization process was a highly complex process, manipulated by political ideology, which created a situation of extremes in terms of service provision and facility provision. The contemporary South African city is characterized by low density highly serviced white suburbs and high density Coloured and black areas.

At present, relatively high urbanization is still occurring, mainly due to the scrapping of racially based influx control in 1986 and the low economic activity experienced in the rural areas. There is also an increase in the permanency of migrants, firstly due to the previously mentioned low-economic rural conditions and secondly to social urbanization of rural immigrants to the city. The informal settlement of migrants in cities is expected to continue over the medium term as the lack of resources prohibits local authorities from providing housing.

In terms of the problem statement of this study, this turn of events is quite significant. The assumption was made that security of tenure should be the primary concern of local authorities regarding informal settlement. In the light of the above-mentioned urbanization



pattern of the CMA, one can see that the constant influx of immigrants will detrimentally influence the creation of sustainable housing within the current delivery system as the numbers required and the funds available leave severe shortfalls.

Current housing strategies and policies are aimed at either the provision of site and service schemes or the creation of low cost housing. The viability and sustainability of these approaches are questionable because of the rapid influx of people. This is due to the following:

- Apart from catering only for migrants, a huge backlog of housing exists which must also be addressed.
- Access to formal townships usually requires established contact within the formal settlement. Thus, unless one has a contact, informal settlement remains a more viable option.
- The current formal areas are seriously overcrowded and at a locational disadvantage regarding employment.
- Informal settlements are much more affordable.
- Informal settlement offers a more flexible way to expand, taking into account the high inflow of migrants.
- Formal housing implies a more stabilized urban population with a smaller influx of migrants.
- Formally planned areas cannot successfully cope with high, unexpected influx of people due to the rigidity of layouts.
- Housing creation will lure additional people from rural areas, thereby undermining policies aimed at the reduction of uncontrolled expansion.

## 2.7 Conclusion

This chapter aimed to give a brief history of the urbanization process of South Africa. The racially based policies, responsible for the current scenario were examined as well as the current situation regarding urbanization. The problems currently experienced, namely rapid influx of people and the inability of local authorities to deal with it in a satisfactory way were also indicated.

From the above it was deduced that the approach to the creation of sustainable housing should be altered. Taking into account the impact of urbanization on formalized planning, a less interventionist approach could be more feasible in the medium term until migration has slowed and the population stabilized. The practical implications of this is that, instead of straining municipal budgets and creating inappropriate housing, informal settlements should be granted security of tenure as quickly as possible. This will motivate such communities to stabilize and become more organized. Furthermore as these communities grow naturally, internal needs will become clearer and can be addressed more successfully.

## Chapter 3:

### Legal aspects relating to informal settlement

#### 3.1 Introduction

Informal settlements are increasingly viewed as a permanent part of urbanization, especially with regard to developing countries. Third world governments are increasingly accepting the fact that they cannot provide housing and related services for their rapidly urbanizing populations. Due to this state of affairs, governments in developing countries are changing their perception of informal settlements (largely due to legal and developmental failures), to a view of informal settlements as a means of addressing the actual housing shortages. There is a growing tendency to rather work *with* informal communities than against them.

South Africa has a long and complicated history of informal settlements. Racially based policies and international sanctioning has left the country in a state of low economic development and an unequal distribution of wealth, a situation which adversely affects the access to adequate housing and services. The Apartheid policy created a system in which blacks, who constituted the largest part of the population, had basically no legal way of obtaining land for shelter within the so called “white” South Africa. From a technical point of view, “formal” or legal black settlements were impossible to create due to the stringent legal methods applied to enforce the policy of Apartheid. This status quo, in fact, criminalized a current constitutional right, the right to adequate housing. Furthermore, the low quality of life experienced in informal communities was worsened by the exploitation of black labour.



Up and until the political transition of 1994, the government was still trying to control and regulate the population, although international pressure to democratize, dwindling regulatory resources (human and financial) and the escalating housing problem made it increasingly impossible. The situation could be compared to a two-sided coin – on the one side, the government was trying to maintain the controlled suburban white utopia, while on the other side, the process of curbing informal black urbanization was fought with stringent racial and land related legislation.

The situation changed in 1994, when political power changed hands. The “white” government, representing the white section of the population, was replaced with a government representing the majority of the South African population. Thus, the responsibility of the government changed from providing for only a segment of the population to providing for the total population. The implications of this on the already scarce resources were tremendous.

### **3.2 The Constitution of the Republic of South Africa, Act nr. 108 of 1996**

The South African Constitution, drawn up in 1996, focused on the creation of equal rights and opportunities for all the citizens. Section 26 of the constitution states the following:

26. (1) Everyone has the right to have access to adequate housing.

(2) The state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realization of this right.

- (3) No one may be evicted from home, or have their home demolished, without an order of court made after considering all the relevant circumstances. No legislation may permit arbitrary evictions.

One must note the wording used in the formulation of this right. Firstly, instead of phrasing subsection 1 as “the right to adequate housing” the term “access” is used. Considering the limited resources available to create housing, the government acknowledges its inability regarding housing delivery by not promising housing *per se*. By the same token it also illustrates the government’s positive perception of citizens’ own initiative regarding housing. In other words, the government indirectly acknowledges its citizens’ right to housing as well as its inability to provide. It also creates a legal precedent in which the erection of informal settlements is viewed as a means of addressing the housing shortage.

The second subsection confirms this. It states that the government must take “reasonable legislative and other measures, *within its available resources*, to achieve the progressive realization of this right.” Considering the lack of sufficient resources the government must create a legal framework in which the population can provide for themselves regarding housing. This section implies that, although the government acknowledges its inability to provide housing, it must create a legal system in which the housing needs of the population in its entirety can be met.

The last subsection also reflects the changing attitude of the government towards informal settlement. Evictions can only take place “after considering all the relevant

circumstances.” This implies that under certain circumstances “squatting” is legally justified in terms of the Constitution.

One can thus see that the Constitution does not explicitly condone the act of land occupation, although it does not explicitly promote it either. This, however, creates a legal precedent in which informal settlement can legally take place.

### **3.2.1 The Irene Grootboom Case**

The Irene Grootboom case is the first case in South African history in which the Constitutional Court had to judge over a matter relating to the socio-economic rights as written in the Bill of Rights (Die Burger, 12 September, 2000). The squatters of Wallacedene, in Kraaifontein, appealed to the Constitutional Court, after repeated request were made to the Oostenberg Municipality to upgrade the settlement. The Municipality’s failure to deliver shelter, water and ablution facilities caused the squatters to take the matter to the Constitutional Court. The Court ruled in favour of the 263 families, indicating that the Western Cape Premier should immediately provide emergency shelter, water and the necessary facilities (Die Burger, 23 September 2000). The court ruling forced the provincial government to make R 200 000 available for the funding of the upgrading.

The significance of this ruling is critical to future housing delivery in South Africa. Although the ruling has rather been made under the terms of section 28 of the Constitution (Die Burger, 25 September), which deals with children’s rights and not Section 26, which relates to housing, a precedent has been created in which all informal settlers can potentially demand upgrading of such settlements as their constitutional right.



Constitutional rulings can detrimentally impact on planned upgrading interventions, in the sense that funds could be siphoned from priority projects to address the financial expenditure of “constitutional” upgrades.

3.3 Legislation relating to the regulation of informal settlement

A comparison between the pre- and post-1994 legislation relating to informal settlement illustrates of the growing influence of informal planning on formal planning.

3.3.1 The Prevention of Illegal Squatting Act, Nr. 52 of 1951.

The above-mentioned Act formed part of a series of racially based land related laws implemented to enforce segregated development. Together with influx control legislation (like the so called “pass” laws) and the Group Areas Act (1950) the Prevention of Illegal Squatting Act regulated the movement and settlement patterns of Africans and Coloureds.

Figure 3 illustrates the prescribed processes of the Act.

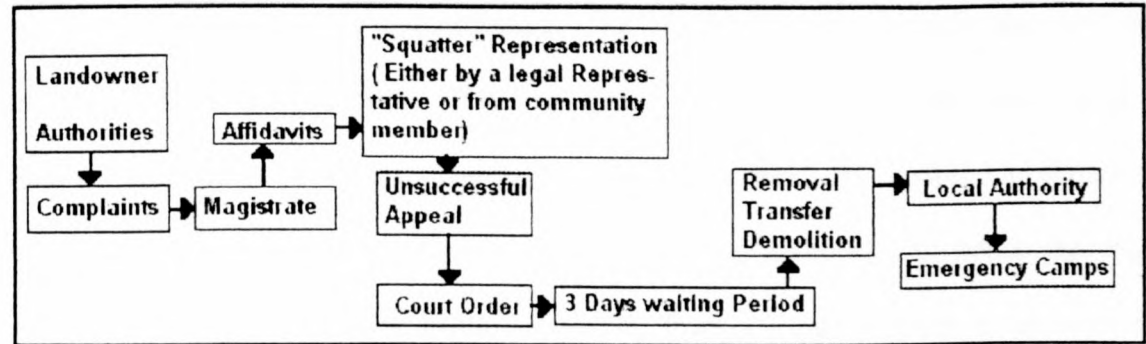


Figure 3.1: The legal process prescribed in the Squatter Act of 1951. (Source : The Prevention of Illegal Squatting Act.)

As figure 3.1 illustrates, the illegal occupier had very little influence on the outcome of the court’s decision to execute removal of persons. The only influence that the illegal occupier

could exert, namely an appeal against removal, was altered in later amendments of the Act to increase the court's power. The *Peter*-case in 1976 led to the inclusion of a provision, which enabled landowners and authorities to demolish squatter shelters after seven days notice was given (Pienaar & Muller, 1999: 378). Later amendments reduced squatters' access to obtaining court orders, which could prevent their removal. In 1989 a further amendment was created to enforce more stringent penalties on those found guilty of criminal behaviour as prescribed by the Act.

It should also be noted that the Prevention of Illegal Squatting Act criminalized the following activities:

- The entering of land and remaining thereon without permission.
- The erection of a building without the necessary approval.
- Permitting anybody to occupy such a shelter or building and receiving payment for facilitating squatting.

By criminalizing the act of squatting *per se*, authorities reconfirmed their firm stance against unregulated housing and settlement. The Act made no provision for the possibility of a legal informal settlement, effectively giving the government complete control to remove squatters to formally (legally) determined areas. As figure 3.1 illustrated, emergency transit camps could be demarcated by local authorities to house the illegal settlers. This legal framework made it possible, from a legal perspective, to exert full control over informal planning.

3.3.2 The Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, Nr. 19 of 1998

The need to redress past discriminatory practices was and is still one of the present government's most pressing tasks. The Prevention of Illegal Eviction and Unlawful Occupation of Land Act (19 of 1998) is no exception to the various new pieces of legislation promulgated to remove racially based practices. The Act differs markedly from its predecessor in that it does not create a system in which squatting is legally condemned.

Figure 3.2 illustrates the processes prescribed by the Act regarding eviction.

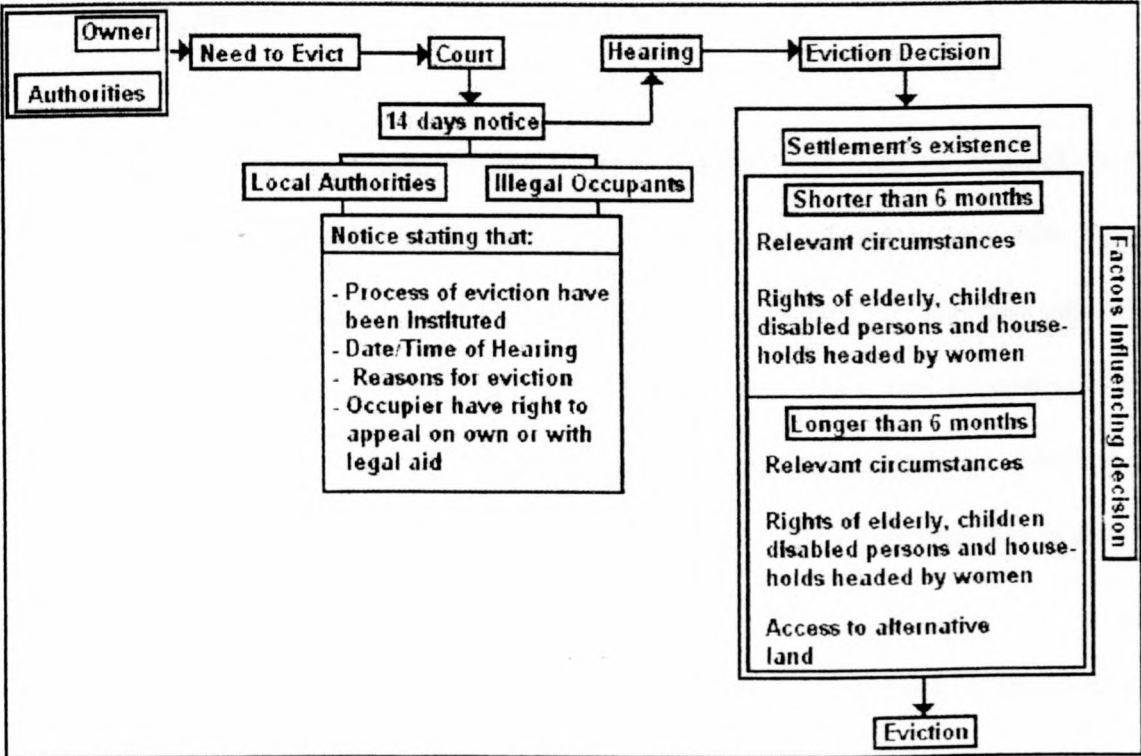


Figure 3.2: The prescribed processes of the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, 19 of 1998. (Source: The Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, 19 of 1998)



One of the biggest differences between the above-mentioned Act and its predecessor is that the decision to evict is not confined to legal dictates, but depends on the specific circumstances relating to an illegal settlement. Whereas the previous legislation treated all informal settlements as illegal, the legitimacy of informal settlements is based on certain criteria. Squatting *per se* can thus be legal within the framework of the current legislation.

Special reference is made to the elderly, children, disabled persons and households headed by woman. These groups constitute the most destitute groups in society. The legislation takes these groups' reduced access to sufficient housing into consideration by providing them with easier access to informal housing via the said legislation. The legislation aims at increasing access to housing for those who would, under normal circumstances, have the least access to formal housing.

Another distinct difference between the squatter legislation is that, as opposed to the previous legislation, the new Act does not criminalize the act of illegal occupation. This is because access to housing is stated in the constitution in section 26. The new legislation only makes provision for a limited amount of criminal activities within its system. These provisions are aimed at either the landowner or persons facilitating, soliciting or organizing illegal occupation of land. Section 3.1 and 3.2 of the said Act states the following:

- (1) No person may directly or indirectly receive or solicit payment of any money or other consideration as a fee or charge for arranging or organizing or permitting a person to occupy land without the consent of the owner or person in charge of that land.

- (2) Any person who contravenes a provision of subsection (1) is guilty of an offense and liable on conviction to a fine or to imprisonment not exceeding two years, or to both such fine and such imprisonment.

Illegal evictions are also deemed to be an offence, as stated in section 8.1 of the Act:

“No person may evict an unlawful occupier except on the authority of an order of a competent court.”

The legislation is, as can be seen from the above, not aimed at avoiding illegal occupation, but to make possible the establishment of informal settlements for the most deprived section of society.

### **3.3.3 The Less Formal Township Establishment Act, No. 113 of 1991**

Although this act is in the process of being replaced, it should still be mentioned due to its influence on the current situation regarding informal settlements<sup>1</sup>. This legislation was written to override provisions made by other planning related laws to facilitate the establishment of informal townships. Figure 3.3 illustrates the processes and regulations prescribed by the legislation.

Accepted in 1991, this legislation bears witness to the government's increasing acceptance of the gravity of informal settlement and the need to address this form of housing within a legal framework. The legislation does not provide for the establishment of informal settlements on land which is illegally occupied. The aim of the legislation is rather to relocate these settlements to designated areas, be it in an informal or more formal manner.

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<sup>1</sup> At the time of writing the said legislation was still in use in the Cape Metropolitan Area

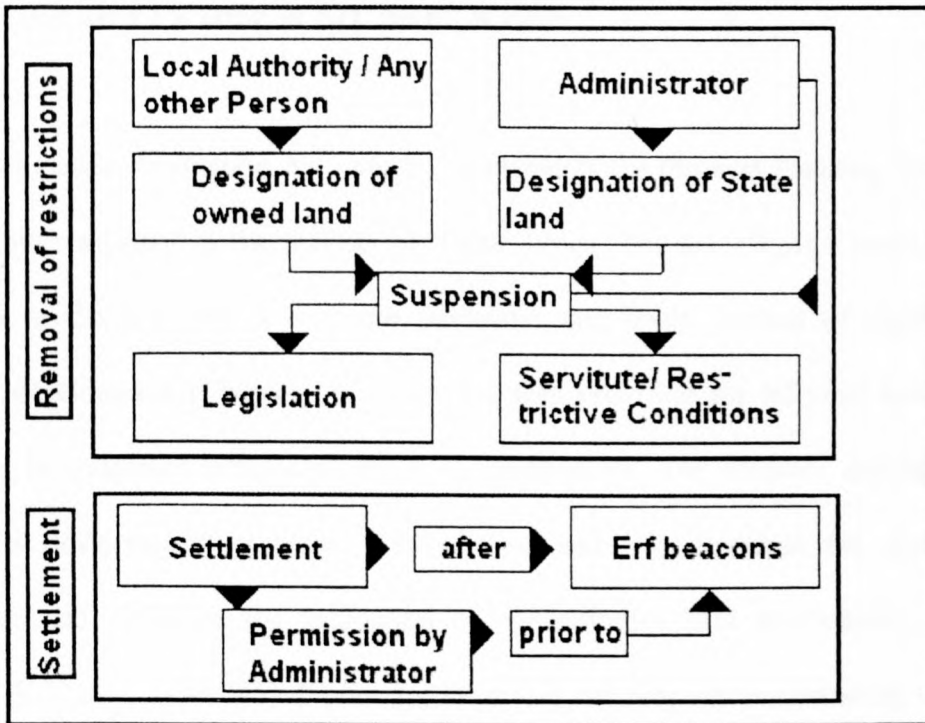


Figure 3.3: The basic procedures and provisions of the Less Formal Township Establishment Act, No 113 of 1991. (Source: Less Formal Township Establishment Act, No 113 of 1991)

The acceptance of informal settlement as a housing option is clear from sections 8.2 and 8.3 and of the Act, which states the following:

- (2) Settlement of a person under subsection (1) shall take place only after a land surveyor has, with a view to the preparation to a general plan, surveyed the erf and placed the erf beacons: Provided that the Administrator may in a particular case grant permission that such settlement may take place in a manner determined by him even though the erf beacons concerned have not been placed.
- (3) Settlement under subsection (1) may take place before the general plan for the designated land has been approved or provisionally approved within the meaning of section 5.

Within this legislative framework, it is possible to engage in squatting, although only on land designated or donated by either the Administrator (The National Minister of Housing), relevant authorities or any other person.



3.3.4 Development Facilitation Act, No 67 of 1995

The Development Facilitation Act, which complements the Physical Planning Act of 1991, is much more adapted to the realities of South Africa. The act adopts a more normative approach to development. It sets out guidelines and goals, instead of regulations, to facilitate development (Chapter I). The Act makes provision for informal land, or non-statutory, development processes, unlike its predecessor. The chapters dealing with the mentioned development processes, chapters V and VI, describes the processes to investigate and authorize the facilitation of non-statutory land development processes (Pienaar & Muller, 1999:386). Figure 3.4 illustrates the procedures pertaining to informal settlement as prescribed by the Development Facilitation Act of 1995.

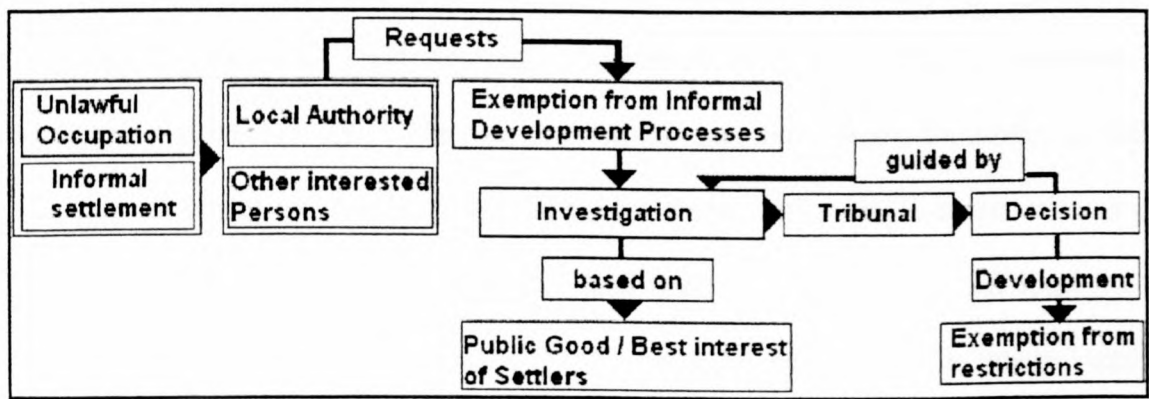


Figure 3.4: Informal settlement development processes prescribed in the Development Facilitation Act of 1995. (Source: Development Facilitation Act, No. 67 of 1995)

As figure 3.4 illustrates, a tribunal can decide if planning, without the formal restrictions can take place. This means that, taking public good and the best interests of settlers into consideration, informal settlements can be developed without adhering to the restrictions imposed on formalized planning. One must take note of the fact that the decision to

proceed with non-statutory development will only be made as a last resort and only if it is certain that any other development of the land will proceed unlawfully.

### **3.4 Conclusion**

The government's legal approach towards informal settlement and illegal occupation of land was illustrated in this chapter. These systems, created from provisions in the Constitution, suggest a more lenient approach towards informal settlement and illegal occupation than previous legislation.

In terms of informal settlement as a viable housing option in the medium term, this bears well, since the legal framework now exists for the establishment of communities. Shortcomings in the new squatter legislation (The Prevention of Illegal Eviction from and Unlawful Occupation of Land Act) will also benefit the use of informal settlement as housing in the medium term. The new Act, which does not require authorities to make provision for transit areas (emergency camps) for illegal settlement, is in fact endorsing a more permanent residency on the occupied land due to the fact that no additional transit areas need to be identified. The reason for this being so, when available "transit" land is filled, authorities will be forced via the legislation to grant legitimate tenure to the occupants (Sections 6 and 7 of the Squatter Act, nr. 19 of 1998, indicates that availability of alternative land should be taken into consideration when deciding to evict or not). This will force authorities to grant permanent residency to persons occupying land illegally, since they cannot be moved to alternative land.

Furthermore, using the provisions made in the Development Facilitation Act and the Less Formal Township Establishment Act, formal planning procedures to facilitate informal

settlement or expansion are not necessary. Thus, legitimate informal communities can exist within the legislative framework. In the light of the fiscal constraints experienced by municipalities and the unstable (in terms of migratory patterns) population, one might consider a different approach to the current housing strategy aimed at the erection of single dwellings on serviced or only serviced sites.



## **Chapter 4:**

### **Current housing policies, strategies and the housing situation**

#### **4.1 Introduction**

Previous chapters have illustrated that rapid urbanization is currently one of the major challenges to authorities and municipalities. All the major metropolitan areas in the country are faced with regulating and controlling informal settlements, decreasing the existing housing backlogs and planning for the natural growth, and the growth due to migration, of these cities.

The significance of housing provision and housing policies are of critical importance in managing sustainable cities. Applicable and contextually relevant policies are especially important in a country like South Africa with its social inequalities and scarce resources. These considerations raise the question if our current policies and strategies are in fact effectual and viable. Broadly a number of questions can be posed with regard to the applicability of current strategies:

- Is housing provision viable in spite of the high immigration experienced in urban centers, specifically Cape Town?
- Is housing design and layout applicable in the constantly changing populations of urban agglomerations?
- Is service and housing provision a realistic goal when considering the low economic status of rural immigrants?

## **4.2 Conceptualization of housing**

Due to increased interest in the study of housing as a subject for empirical and theoretical exploration, various perspectives relating to it have emerged over the past years.

### **4.2.1 Housing as a human right**

The right to housing is firmly rooted in the norms of international human rights law and further recognized as a social fundamental right by the constitutions of more than thirty countries. The right to housing forms part of a platform on which civil rights is based. According to Penderis (1996:20), “the spatial relations and tenure status of dwellings express the administrative, cultural, judicial and socio-politic rights of the residents and unless these rights are fulfilled, other civil rights, such as the right to vote may be restricted.” Furthermore, the right to housing facilitates access to society’s resources, which without “citizens cannot fully participate in a democratic society and effectively exercise their fundamental rights under a constitution” (Penderis 1996:20).

### **4.2.2 The Meaning of Housing**

The complexity of housing scenarios complicates the formulation of an all-encompassing concept to define housing. Social, cultural and economic contexts give different meanings to housing, according to the needs, actual and perceived, within a community.

#### **4.2.2.1 The meaning of housing in developed regions**

In advanced societies, housing tend to be more than just protection from the elements, and addresses a wider range of demands. Buttimer (in Penderis 1996:22) describes housing “as a social and ideological construct (which) includes feelings, lived experiences, cognition and intellectual reality. Other conceptualizations views housing as the provider to access other resources like neighbourhood services which include recreational educational and medical facilities, access to employment and proximity to a social environment (Basset & Short, in Penderis 1996).

#### **4.2.2.2 The meaning of housing in developing regions**

In developing countries housing tends to be a more emotive and political issue. The unequal distribution of wealth in developing societies has led to housing being equated with the power relations of the different classes in these societies. Marxist theory views ownership of property as one of the main determinants of societal organization (Turner 1991:185). In developing regions this has often led to the assumption that ownership of land represents capitalistic exploitation. By the same token, homelessness and limited access to land has been equated with the repressed and powerless under classes created by capitalist societies. According to Penderis (1996:22) the lack of housing often experienced in developing regions “inflicts helplessness and dependence on its occupants and...deprives by stigmatizing and alienating the occupants as non-members of the social mainstream, undermining feelings of self-worth and inflicting stress, misery and vulnerability on its occupants.”



4.3 Current housing situation

Due to the policy of segregated development implemented by previous governments, only limited provision was made for the housing of Blacks in urban areas. This has created a situation where South African cities are characterized by huge sections of low quality formal environments and informal settlements.

4.3.1 National housing situation

According to the Urban Foundation (Gelderblom & Kok 1993: 97) it was estimated that, in 1991, around 7 million people were living in urban informal housing, with about 5 million situated in the major metropolitan areas. The 1996 census statistics regarding dwelling types is illustrated in Table 4.1. As the table illustrates, 16% of the population were living in informal housing in 1996. The African segment of the population is the most in need of housing, with around 21% in informal settlements.

Table 4.1: Households in South Africa by type of dwelling.

Type of dwelling	% African	% Coloured	% Indian	% White	% Other	% Total
Formal	45	82	91	95	70	58
Backyard Formal	8	7	7	3	7	7
Traditional	25	2	1	1	10	18
Informal	21	8	1	0	9	16
Other/ not stated	1	1	1	1	5	1
Total	100	100	100	100	100	100

(Source: Adapted from Statistics South Africa, 1998)

According to the National Housing Strategy (Maclean, 1994:12), drawn up as a part of the Botshabelo Housing Accord, approximately 150 000 units have to be delivered

annually over a period of ten years to eradicate the current backlogs in housing. Added to this number, 200 000 households would need to be additionally housed annually to prevent the backlog from increasing.

This demand for housing is not addressed on a national level due to the decreasing budgetary allowance for housing over the past few years. According to the Accelerated Managed Land Programme (Cape Metropolitan Council, 2000a), the national budgetary allowance for housing shrunk from 1.8% (R3,3 billion) in 1999 to 1.6% (R2,9 billion) in 2000.

#### **4.3.2 Housing in the Cape Metropolitan Area**

The Western Cape Provincial Housing Development Board has been granted a working budget of R 350 million to fund its projects. Different estimates place the current housing backlog of the Cape Metropolitan Area at approximately 220 000 units. Furthermore, records kept by the various MLC's (Metropolitan Local Councils) in the area has indicated that around 22 000 families in shacks have been invading land and/or have been relocated by the MLC's during the last year (Cape Metropolitan Council, 2000a:1).

Future trends indicate a further increase in housing demand due to further inwards migration and natural growth in population. Excluding immigration from rural areas, the demand for housing based on intra-city growth is estimated at approximately 260 000 in 2010 (Cape Metropolitan Council, 2000a:1).

## 4.4 Housing policies and legislation

The transition to democratic governance in 1994 was characterized by an extreme paradigm shift of the government relating to its housing policies and programmes. The most influential housing policies and legislation currently in place, which govern the housing delivery system, needs further examination.

### 4.4.1 The Reconstruction and Development Programme

The Reconstruction and Development Programme drafted in 1994 formed an integral part of the ANC-government's policies and strategies. The majority of the current policies and legislation apply principles set out in this document. This programme endorsed the following principles with regard to housing (African National Congress, 1994:22):

- *The Right to Housing*: All South Africans have the right to a secure place in which to live.
- *Housing Standards*: All housing must provide shelter and durability. A house must include sanitary facilities, storm water drainage and energy supply.
- *Legislation*: Legislation must address issues such as tenants' rights, squatters' rights and the rights of people in informal settlements.
- *Administration*: Simple, cheap, quick and transparent procedures based on public participation.
- *Land*: Land must be suitable with regard to natural and socio-economic factors. Land taxes and zoning should promote RDP objectives.
- *Tenure*: Government must ensure a range of tenure options. Affordable rental housing stock should be provided.



- *Subsidies*: Government funds and private sector funding must be blended to increase affordability.
- *Finance*: End-user finance must be made available for different tenure forms, community designs and construction methods.
- *Hostels*: Hostels must be upgraded and integrated with the numerous interest groups.
- *Construction*: The cost of housing must be kept as low as possible while meeting the proposed standards.
- *Delivery*: Delivery systems will depend on community participation. Provincial and local governments should be the primary facilitating agencies.
- *Community Control*: Beneficiary communities should be involved at all levels of decision-making.

Although the predominance of this policy has been reduced over the last couple of years, it is still considered to be one of the principle documents relating to development in South Africa. The effect of these housing principles is clear in the current housing delivery system, although some have been amended to be more adaptable to the socio-economic environment.

#### **4.4.2 The Housing Act, No. 107 of 1997**

The most important legislation with regard to the provision of housing is the Housing Act of 1997. The Act abolished previous apartheid legislation relating to housing, and was written to focus on the new housing priorities of the country. It was created to address section 26 of the Constitution, which states that everybody has the right of access

to adequate housing. The Act promotes a more normative approach to housing to adapt to the challenges in housing provision. The most important aspects of the legislation are that it called for the abolishment of the National Housing Board and its replacement with the South African Development Board. It also allowed for the R9,7 million local government debt to the National Housing board to be written off. The establishment of a national housing code, database and information system is also prioritized by the Act (Burger, 1998:375).

#### **4.4.2.1 General principles**

The main principles of the legislation can be classified into four different categories namely:

- *Principles relating to human rights matters*: This relates to community and individual participation in projects, as well as emphasize on empowerment. There is also a commitment to the expression of cultural diversity within housing development.
- *Principles relating to the interests of those who cannot independently provide for their housing needs*: This prioritize housing delivery systems which will focus mainly on the poor and powerless. Special reference to addressing the housing needs of the disabled is made.
- *Principles aimed at promoting integrated housing development which is economically, fiscally and financially affordable and sustainable*: These principles promote a variety of ownership, choice of housing type and integrated development planning

- *Principles guiding the effective functioning of the housing market:* These principles aim to equalize access to housing markets and bigger cooperation between government- and privately driven programs or projects.

The Act also defines the different roles and responsibility of the different spheres of government. The guiding principle in this regard was that functions should be executed on the lowest possible level of governance (Department of Housing 1998: 8). These roles can be summarized as follows:

- *National government* must establish and facilitate a sustainable national housing development process which includes a national housing policy indicating the national norms and standards pertaining to housing.
- *Provincial governments* must do everything in their power to promote and facilitate the provision of adequate housing in their province within the framework of national policy.
- *Municipalities and local government* must take all reasonable and necessary steps within the framework of national and provincial legislation and policy to ensure that people in their jurisdiction have access to housing on a progressive basis.

Various subsidy programmes have emerged in accordance with the said legislation. The most significant of these, the Government's Housing Subsidy Scheme created various forms of financial aid to facilitate access to housing. These are as follows:

- *Individual subsidies* for persons who wish to acquire or upgrade property not linked to provincial housing projects.



- *Project-linked subsidies* for the requirement of property within a provincial housing project.
- *Consolidation subsidies*, for persons who received serviced sites before the inception of the Housing Subsidy Scheme, to create or upgrade a top structure.
- *Institutional Subsidies* for institutions who create affordable housing for people who qualify for individual ownership subsidies to live in the subsidized residential properties.
- *Relocation assistance* to stabilize the housing environment.
- *The Discount Benefit Scheme*, which promotes home ownership among tenants of State-financed rental stock.

#### **4.5 Problems relating to the housing policy**

As the chapter indicated, South Africa's housing policies are much more flexible than previous, blue print approaches to housing delivery. There are, however, certain issues which raise questions regarding the sustainability of the system.

##### **4.5.1 Fiscal constraints**

The aim of the housing policies, to provide access to housing for all South Africans, is seriously jeopardized by insufficient financial resources. As mentioned in Section 4.3.1, the budgetary allowance has shrunk over the past years while the demand for housing has not been addressed. Together with the dwindling resources, the increased responsibility of local governments to provide shelter and recover services also undermines housing delivery. Local authorities, which are already burdened by service

delivery and the sporadic non-payment for these services, now have increased spending on housing which they can ill afford.

Adding to the dilemma, the government's housing subsidy increased to R 16 000 in April 1999 (Cape Metropolitan Council 2000a:1). This step was necessitated by the fact that over the 1995-1998 period, the real value of the housing subsidies shrunk by about 25% (Build Environment Support Group 1999:5). This creates a financial paradox within the housing delivery system since less resources are available to grant increased subsidies.

#### **4.5.2 Informal settlements as transit areas**

The current housing delivery systems have created a "snowball" effect of immigration from rural areas (see figure 4.1). Cities have experienced time and time again the phenomena where informal settlements start to function as transit areas for new immigrants from rural areas. As informal communities are housed in more formal housing, vacuums are created within the informal settlements, which are then filled by new immigrants from the rural areas. Cross et al (1999: 11&12) stated the following in this regard: "These formal areas are seriously overcrowded... are expensive for the rural poor and require contacts to arrange access" and "Informal areas may be the only practical option for migrant families with little earning capacity who are unable to afford township living, service costs and/or formally delivered housing".

This "snowball" effect will continue as long as the rural conditions experienced throughout the country remain extreme. As long as rural conditions remain severe, one

can expect this phenomenon to continue in most of the major metropolitan areas in the country.

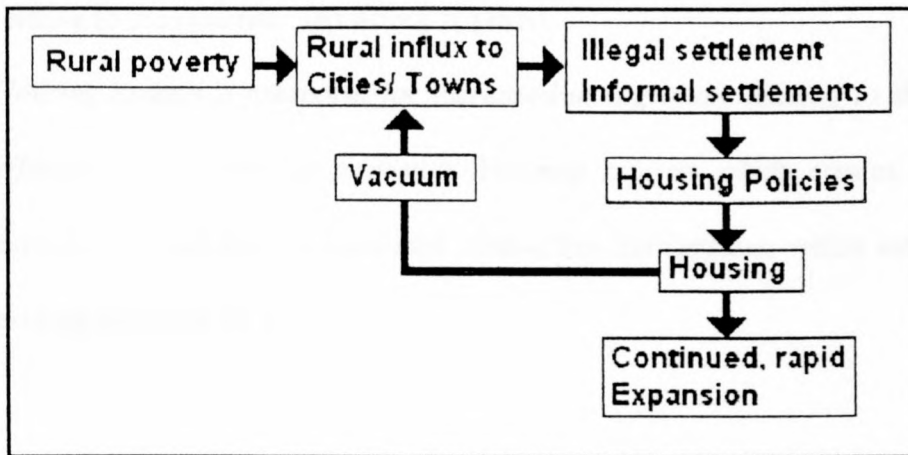


Figure 4.1: The “snowball” effect of Housing Delivery.

One can thus see that with the rapid urbanization experienced in South Africa, the housing system partly creates a precedent for urbanization. This jeopardizes the creation of sustainable and manageable cities.

#### 4.6 Conclusion

The following appear to be central to the efficiency of housing delivery:

- *The fiscal resources dedicated to the housing process are insufficient to provide adequate housing:* With the current backlogs of housing and the expected demand, the budgetary allowance of 1.6% of the national budget is unable to meet housing needs.
- *Housing subsidies increased within a diminishing fiscal budget leading to fewer end user beneficiaries:* The increase in the individual housing subsidy to R16 000 in 1999 meant that fewer individual subsidies can be granted through funding.



- *The real value of subsidies decrease over time reducing the effectiveness of long term projects:* Subsidies are not compatible with inflation and decrease in value relative to the materials and labour required.
- *Housing creates a precedent for increased immigration, leading to the reduced effectiveness of housing provision:* Housing policies which creates unrealistic expectations can lead to increased rural-urban immigration, which increases the existing demands for housing.

In the light of the above, one may raise serious questions pertaining to the sustainability of the current policies in the long run.

## **Chapter 5:**

### **Aspects of formal planning influenced by informal planning**

#### **5.1 Introduction**

Informal planning is increasingly important in the planning and development of urban and rural areas. The main reason for this is that informal settlements are a mayor consideration in the provision of housing in South Africa. The number of informal settlers is estimated at approximately 9 million (This constitutes about 20% of the total population). It is further estimated that approximately 52% of the Black population in the Western Cape are living in informal settlements. These statistics indicate the enormous scale of informal settlements.

Another reason why informal settlements have such a vast and broad impact on formal planning is because of the changing attitude towards informal housing as a means to address the current housing shortage. During the Apartheid era, informal settlements were not tolerated by the National Party Government. Despite the previous government's attempt to avoid black areas in the predominantly white cities, informal settlements soon became the major form of housing for black workers, since almost no provision were made for formal black housing at the time. The situation changed after the 1994 elections when racial segregation was scrapped. Previous legislation, which made the establishment of informal settlements almost impossible, was replaced by much more lenient legislation. This resulted in a "boom" of legitimate informal settlements, which demanded basic infrastructure and services from local authorities. In the Cape Metropolitan Area the total number of shacks rose from 28 300 in 1993 to 80 500 in

1998 (Cape Metropolitan Council, 1999:7). Upgrading became a necessary and integral aspect of planning and development.

The third, and possibly most important, manner in which informal planning influences formal planning relates to the spontaneity inherent to informal settlements. In contrast to informal planning, formal planning constitutes a series of legal procedures. These procedures have to be scrutinized by relevant role-players and are then implemented if approved. Informal planning, on the other hand, is not based on a legitimate formal procedure or policy. The usual “procedure” followed in the process of creating an informal settlement is basically the identification of open land for the potential erection of a structure. A relatively small number of people, usually families, will settle at first. The community then usually grows through accretion as more families move to the new settlement. Informal settlements are furthermore much more focused on addressing the most present and pressing needs of its population as opposed to formal planning which has a much more long-term orientation. It is this spontaneous nature of informal settlement, which necessitates the creation of a planning system, which will function more holistically and which will be more flexible.

One could also question the cultural relevance of the current planning systems and traditions with regard to the increasing prevalence of informal planning in South Africa. European and North American models are still applied to South Africa’s third world context.



## 5.2 Standards

As with any regulated process formal planning also have different regulations and standards to comply with. During the Apartheid era, when investment in planning was predominantly focused on “white” South Africa, high standards and strict regulations were applied to manage “white” suburbs and neighbourhoods. With the inauguration of the new government, the scope of service provision broadened dramatically throughout South Africa. This left the government with a massive task at hand. In terms of housing, the government is still faced with two enormous tasks - that of upgrading already existing informal settlements and eradicating the current housing backlog.

Currently there is much debate going on around the issues of standards and the applicability of conventional upgrading and service provision. This section will examine two aspects concerning planning standards, namely the cost of investment in infrastructure and the ability to pay for services rendered.

### 5.2.1 Cost of investment in infrastructure

In 1992 a report, The Revised Urbanization Strategy For South Africa, was drawn up by the Committee for Economic Affairs for the President’s Council. This report was aimed at improving and adapting its predecessor, the Government’s Strategy on Urbanization (1987).

One of the most important issues covered in the document related to the issue of affordable and sustainable standards in the delivery of infrastructure. The report

describes the current infrastructure system as having a “dichotomy between urban areas within regions and subregions, such as there being an over-provision and under-utilization in some urban areas to an under-provision and over-utilization in others.” (Committee for Economic Affairs, 1992:85)

The report further reflects on the current applicability of standards in the planning process. It raised the following issues:

- The principle of affordable standards endorsed by the White Paper on Urbanization (1986), has not been accepted in practice. This is because local authorities insist that township developers should adhere to the unnecessary high and unaffordable level of infrastructure provision.
- Local authorities apply high standards of infrastructure delivery to reduce maintenance costs.
- Vested community interest cause local authorities to impose high standards to discourage the settlement of low-income communities.
- Existing legislation regulating public health and safety may exclude people to have access to basic shelter because certain norms are not adhered to.
- The dualistic application of standards led to conflict between private developers and local authorities. These conflicts tend to be ineffective and time-consuming.
- Local authorities will be increasingly unable to enforce these standards if the current policies continue.

It is clear from the above that rigid and inflexible standards are inappropriate within the present South African context. This is especially true with regard to existing safety and health issues. Taking into consideration the huge housing shortage, even moderate

standards and regulation may seem excessive. The current system, which postulates fixed amounts of services per household, fail to address the most basic planning needs – the erection of shelters for the poorest segment of the population. The report states the following in this regard: “...it is necessary that certain minimum standards be maintained to protect health and safety. Great circumspection will, however, have to be exercised before structures are condemned as unsuitable because of the magnitude of housing backlogs and the rate at which informal settlements emerge.” (Committee for Economic Affairs, 1992:87)

### **5.2.2 Cost of services**

Another aspect relating to infrastructure standards is the affordability of services rendered. Infrastructure delivery consists of two aspects, namely the provision of services and the maintenance and continuation of service delivery. Although both are costly ventures, the initial provision of infrastructure is usually funded from outside the local authority responsible for service delivery. The biggest financial burden local authorities experience is the continuation of services. Local authorities are dependant on taxes and service charges to maintain service delivery. Without payment for services rendered, municipalities will not be able to deliver an acceptable level of service within its financial resources. Because of this, services rendered should be affordable, if they are to be sustainable.

Considering the low levels of employment and the prevalence of poverty, local authorities must readjust their perspective on service delivery for the poor. The



Committee for Economic Affairs (1992:87) lists the following reasons for the non-payment of services experienced in black local authorities:

- Political instability and violence experienced within these urban areas.
- The lack of job opportunities due to low national economic activity.
- The high standards applied in the provision of some services.
- Unwillingness to pay for services.

Local authorities can approach this possible threat to the sustainability of communities by adopting a less formal approach. Instead of applying Red Book regulations (even on a minimum level of services) service delivery should be tailor-made to respond to the most pressing needs of the community while being affordable at the same time. This could be achieved by consulting with the population to achieve a practical level of service delivery.

#### **5.2.2.1 Cost implications of services rendered in the Cape Metropolitan Area**

The Cape Metropolitan Area (CMA) is currently experiencing rent, home ownership and service arrears of approximately R440 million (Cape Metropolitan Council, 2000b: 3). This situation is having a detrimental effect on the cash flow of the various local governments.

According to the draft document by the Cape Metropolitan Council, the level of services rendered in the Cape area is relatively higher than in the rest of the country. The report (Cape Metropolitan Council, 2000b: 4) further states:

Research has shown that most low income households cannot afford to pay for the services they are being provided, as the monthly bills that are charged are too high in relation to their income. This not only effects the households' ability to pay for services, but also the services provider's financial viability...MLC's are providing a level of service, which requires the MLC to provide a subsidy of an average of R1194 operating finance per unit.

From the above, one can see that, apart from capital investment in service delivery, local authorities in the CMA are in fact providing a constant operating subsidy. This additional expenditure could have been avoided by reducing the levels of services rendered, making the services more affordable to the relevant communities.

The recovery of service costs in informal settlements also presents unique problems as there are no real mechanisms to recover any of these costs (either capital or operating expenses). Services like water, are not individually metered, which complicates recovery. Some municipalities have instituted "communal charges", although these accounts are nominal and generally irrecoverable, as the accounts have to be delivered by hand (Cape Metropolitan Council, 2000b: 7).

### **5.3 Planning style**

South Africa's unique past as a country ruled by a minority of whites created a planning system which is still predominantly westernized in nature. The main planning concepts and ideologies were imported from North America and Europe and almost exclusively applied to the white urban segment of the population. The notion of spatially defined

communities was applied throughout the country. This situation was further amplified by the Apartheid-ideology of the National Party Government, which through separate development, created an even more fragmented urban pattern.

Planning was focus at providing “suburbia”, which entailed low urban densities and access for those with individually owned vehicles. Behrens (1995) identified three main concepts which the Red Book incorporates in its approach to layout planning, namely the neighbourhood unit, the functional road hierarchy concept and closed road geometries.

### **5.3.1 The neighbourhood unit concept**

The neighbourhood unit, which originated from the “garden city” idea of Ebenezer Howard, gained popularity in America in the 1920’s. The concept was a response to the rapid urbanization experienced in the American cities at the turn of the century. This planning style was characterized by a fairly open road geometry with a hierarchical curvilinear street pattern. The road layouts were design to protect certain public facilities, such as schools and parks, and to discourage through traffic (see Figure 5.1). The road network was almost exclusively aimed at individual vehicle ownership, neglecting public transport in the process. Behrens (1995:9) describes this style of layout planning as “inwardly orientated” and having an “introverted nature”. This means that public facilities were so planned as to only serve the neighbourhood unit it belonged to.



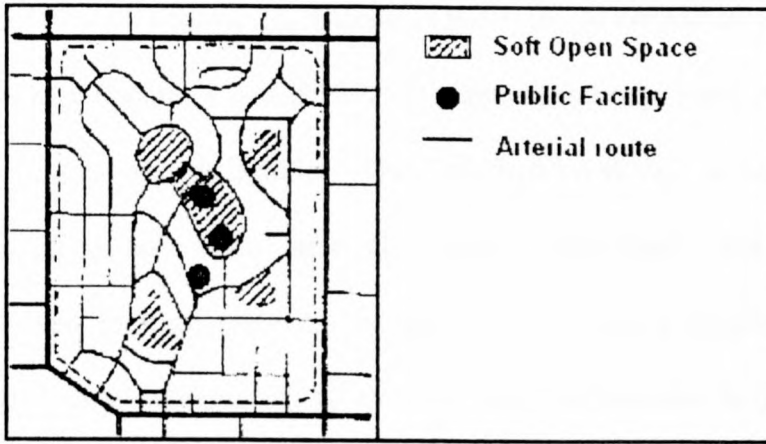


Figure 5.1: Conceptual framework of the neighbourhood unit (Source: Behrens, 1995).

Unlike public facilities, businesses were situated along the major arterials to support more than one neighbourhood unit. The dire housing and service shortage, together with the budgetary constraints, raises the question about the relevance of applying the neighbourhood unit planning style. This is because the underlying assumptions on which the planning styles are based are not applicable to South Africa. The first underlying principle states that the neighbourhood unit concept aims at creating spatially defined units. This implies that the need for services will remain constant over time and that people will use local neighbourhood services and utilities. This is however, not the case in South Africa. Due to the skewed pattern of development, some areas have high levels of service delivery while others do not even have access to the most basic services (see Table 5.1). This situation is further aggravated by the high rate of urbanization in the country. This jeopardizes the introverted service delivery of the neighbourhood unit, since people living in areas with little service provision are forced to gain access to services in other, more developed units.

The closed and introverted nature of current layout planning also does not provide for the spontaneous growth of informal settlements. Besides the fact that informal planning

provides around 49% of housing for Blacks in the Cape Metropolitan Area (Statistics SA, 1998, Cape Metropolitan Council 1999: 7) planning still rely heavily on the creation of centralized neighbourhood facilities. The neighbourhood unit layout approach is contextually inappropriate, since informal planning undermines one of the basic assumptions of this form of planning, namely that the user population will remain constant and that only residents of the unit will use the facilities provided. A better approach would be to create facilities, which are situated at points easily accessible for people from other defined areas via public transport and pedestrian movement.

Table 5.1: The ratio between service provision from authorities to other methods of service attainment

<b>Services Rendered</b>	<b>African %</b>	<b>Colored %</b>	<b>Asian %</b>	<b>White %</b>
<b>Energy</b>				
<b>Cooking</b>				
From Authorities	30.2	75.2	97.6	97
Other*	69.8	24.8	2.5	3
<b>Heating</b>				
From Authorities	27.7	71	97	94.3
Other*	72.3	29	3	5.7
<b>Lighting</b>				
From Authorities	43.3	83.1	98.5	98.5
Other*	56.7	16.9	1.5	1.5
<b>Main Water Supply</b>				
Piped Water in Dwelling	26.7	71.9	97.2	96
Piped Water on Site	20.4	18.5	1.2	0.6
Other**	52.8	9.6	1.6	3.4
<b>Toilet Facilities</b>				
Flush Toilet	33.9	79.7	97.6	99.2
Other***	66.1	20.3	2.4	0.8
* Includes Gas, Parrafin, Wood, Coal and Animal Dung ** Includes Public Taps, Water tankers, Boreholes, Rivers and Springs ***Includes Pit Latrines, Bucket Latrines and unspecified means				

(Source: Adapted from Statistics South Africa, 2000)

One should also bear in mind that informal settlements are mainly residential in nature due to their unregulated nature. This implies that standard health care and service provision will not necessarily constitute a part of their development. These services are usually only provided during the upgrading processes, which means that until services are rendered in these areas, people have to intrude into other neighbourhood areas to access facilities. This state of affairs may result in conflict as the formal community may feel that they have to carry an additional burden on *their* infrastructure.

The second underlying assumption of the neighbourhood concept is that sufficient fiscal and other resources exist to create “independent” communities in terms of infrastructure and services. This is far from true in the South African context. The Built Environment Support Group (1999:1) states the following in this regard: “The government’s target was, for housing expenditure, to be 5% of total expenditure – in reality in 1998/1999 it was less than 2%”. The severity of the budgetary constraints was also highlighted at the Botshabelo Housing Accord. The following was stated relating to the fiscal resources available for housing support: “The required annual delivery rate (of plus-minus 350 000) and budgetary constraints do not allow sufficient subsidy money per household to enable the construction of a minimum standard complete house for each household at state expense. Only a limited subsidy contribution towards the cost of the house is possible” (Maclean 1994:12).

### **5.3.2 Over-emphasis on individual vehicle ownership**

Another identifiable shortcoming in the formal planning style with regard to informal settlements is the hierarchical and inflexible approach to creating road networks. Firstly



current planning still readily assumes that most households will eventually end up owning a privately owned vehicle. When measured against the economic realities of South Africa, this is indeed an overly optimistic view. The 1996 Census calculated unemployment in South Africa to be at around 34%. Furthermore, another estimated 40% of the population have a monthly household expenditure of R353 per adult (United Nations Development Programme 1998:5). Judging from these statistics, individual car ownership will for some time only be possible for a minority of the population.

The Metropolitan Transport Planning Branch of the Cape Metropolitan Council (in Behrens, 1995) undertook a study in 1994 to estimate the number of vehicles per household (See Figure 5.2). The graph measures the number of vehicle ownership against the different income groups in the city (Segment 1 forms the high income part of the income continuum while segment 5 represents the lowest income groups)

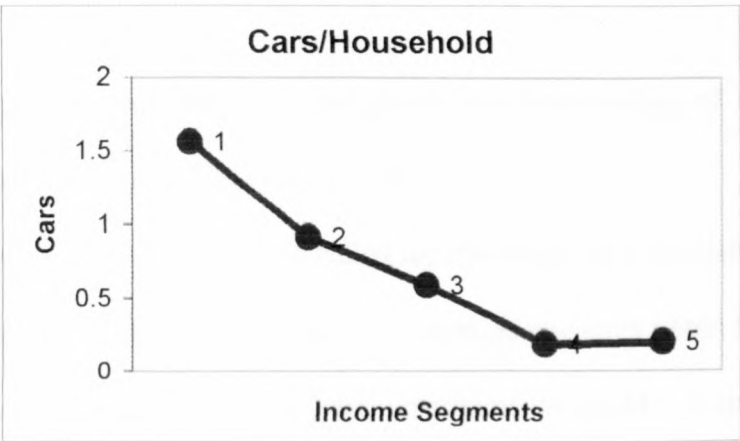


Figure 5.2: The levels of car ownership in metropolitan Cape Town (Source: Adapted from Behrens, 1995).

As is suggested in the graph the level of car ownership, especially in the lower income groups, is relatively low. Only about one in every four households will own a vehicle.

The relevance of this for informal settlement is clear. Since informal communities usually constitute the poorest sector of the population, planning with a long-term view on individual car ownership may be over optimistic and eventually irrelevant. Behrens (1995:12) views the problem as follows: “The car orientated approach to layout planning results in road networks in lower income areas very similar to networks in higher income areas, despite very different levels of private car ownership.”

Despite the cost of delivering an inappropriate road network, a car-orientated layout approach also reduces easy and safe access to facilities. This results in a situation where the low-income groups, who cannot afford private transport, have to move great distances by foot or public transport to facilities not offered in their areas. Table 5.2 illustrates the distribution of transport types from home to work in Cape Town in 1990. From the table it is clear that the poorer segments of the population have reduced access to economic opportunities.

In 1987 the National Housing Institute recognized the shortcomings of the traditional layout approach and issued the following statement:

“A target statement was developed which called for the design of a circulation system for pedestrians, cyclists and motor vehicles which recognizes residents needs for security of persons and property, road safety, privacy and environmental quality. It aimed at linking the various land uses in the most convenient way and providing for all engineering services in a manner which is functionally efficient and economical in the use of resources” (National Building Research Institute, 1987:C30).

Table 5.2: The Journey to Work Modal Split in the Metropolitan Cape Town by Population Group.

Population Group	1990
<b>White</b>	
Public Transport	15 %
Walking	5 %
Motor Car	80 %
<b>Colored/African</b>	
Public Transport	54 %
Walking	9 %
Motor Car	37 %
<b>All Population Groups</b>	
Public Transport	44 %
Walking	8 %
Motor Car	48 %

(Source: Adapted from Behrens, 1995)

Despite this apparent acknowledgement of the inappropriateness of traditional layout strategies Behrens and Watson still criticizes the South African layout approach for creating “ “toilet” and “matchbox” towns” and “which are not accessible for the person on foot, which frequently entrench an inefficient city structure and which provide few opportunities for self generated income.” (Behrens & Watson, 1996:37).

Another aspect concerning the interrelation between road networks and the establishment of informal settlements are the additional stress placed on the road infrastructure due to the unforeseen increase in users. This increased pressure on road infrastructure consists of both a pedestrian as well as a vehicular aspect. Contemporary planning creates spatial



guidelines to inform development in the future. The future needs and levels of infrastructure are then calculated based on predictions of future scenarios. Although there is increasing disillusionment about the accuracy of future predictions, with planners attempting to compensate for these, the inherent inflexibility of approach to road infrastructure remains problematic with regard to informal settlement.

Behrens and Watson (1996) further criticize the current approach to road layout on economical grounds. They argue that the road network does not provide sufficient opportunity for the informal community to engage in informal business. They argue that “the physical separation of road classes and the restrictions of extraneous vehicular traffic to high order classes, does not create favourable conditions for small commercial enterprises or informal street trading” (Behrens & Watson 1996:41). This is a very pressing issue indeed when considering that about 1.2 million South Africans are working in the informal sector and that 86% of them are Black and 7.6% Coloured (United Nation Development Program 1998:13).

### **5.3.3 Green space system**

The maintenance of an urban green space system is one of the most important issues with regard to future planning. The importance of creating an intermingled system of open spaces serving a variety of functions within the metropolitan and urban context, is not apparent in current practice. These functions would include visual alleviation from the build environment, recreation, environmental and agricultural sustainability and pollution buffers (so called “green lungs”). The system is also closely linked with the containment of urban sprawl.

The sustainability of such an urban green space system becomes questionable in light of the South African realities. Global examples have shown that the rapid influx of people from rural areas and their unorganized settlement can lead to low quality environments. The list of cities in developing countries which are struggling to make ends meet with limited resources are almost endless. The Metropolitan Spatial Development Framework's Technical Rapport (Cape Metropolitan Council, 1996:25), for example, mentions the "floodwave" scenario experienced by Sao Paulo. The city almost literally became "flooded" with people migrating from the rural areas. The first effect of this urbanization process was the rapid decline of public open space within the city as the open land was occupied through unplanned informal settlements. As the available land decreased, informal settlements started to appear on the city's periphery. This led to a situation of unplanned and unorganized urban sprawl.

The question that arises from this example is how South Africa will be able to maintain green cities with the rapid, unchecked and informal urbanization process it is currently experiencing. This issue will become even more relevant in future years, as the pressure will increase on authorities to deliver on their housing promises and as the urban population increases.

Already a dichotomy exists within the legal development framework. On the one hand formal planning is subjected to various legal constraints regulating the nature and extent of development. On the other hand, the government has adopted a much more lenient approach towards the establishment of informal settlement. The resulting scenario is one where organized, regulated planning is stifled and uninformed and informal planning is promoted. This does not bear well for the establishment of a sustainable open space



system and the curbing of urban sprawl within the Cape Metropolitan Area and its satellite towns (Stellenbosch, Atlantis, Paarl, Strand and Somerset West). Figure 5.3 illustrates a possible future for the Cape Town Metropolitan Area and surrounding towns if the area should experience the same “flooding” effect of Sao Paulo.

The possible situation illustrated in Figure 5.3 may not be as far fetched if one examines the current pattern of spatial development in the region (Figure 5.4). Note the prevalence of disadvantaged communities at the peripheral areas of the established areas.

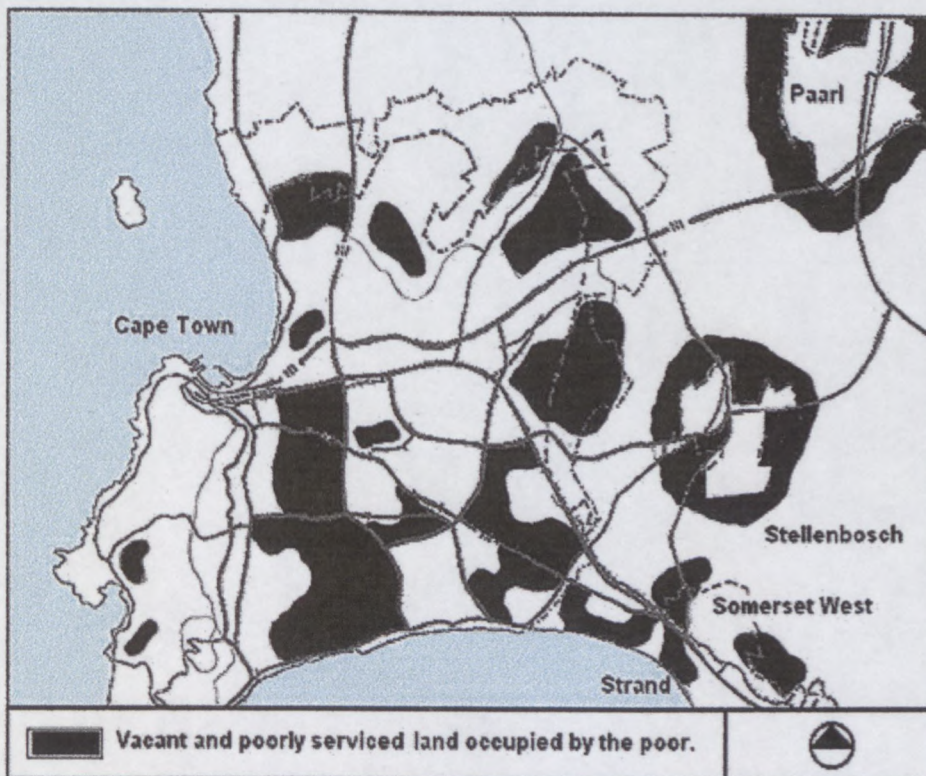


Figure 5.3: A possible future scenario for Cape Town and surrounding areas if unchecked and unmanaged flooding from rural immigrants persists. (Source: Adapted from the Metropolitan Spatial Development Framework, 1996.)

Apart from the actual settlement of people on the city’s periphery, the possible threat of future illegal occupations also serve to promote urban sprawl. This is because landowners on the city’s edge view the possible settlement of people on their land as



detrimental to the value of their land. This situation is aggravated by the current legislation regulating informal settlement. Thus, landowners and farmers close to the city will rather sell their land for formal development and make a profit from the exchange than losing value if informal settlement takes place. Factors related to the stigmatization of informal settlements, like crime and health related problems, also contribute to the selling of land on the urban edge for development.

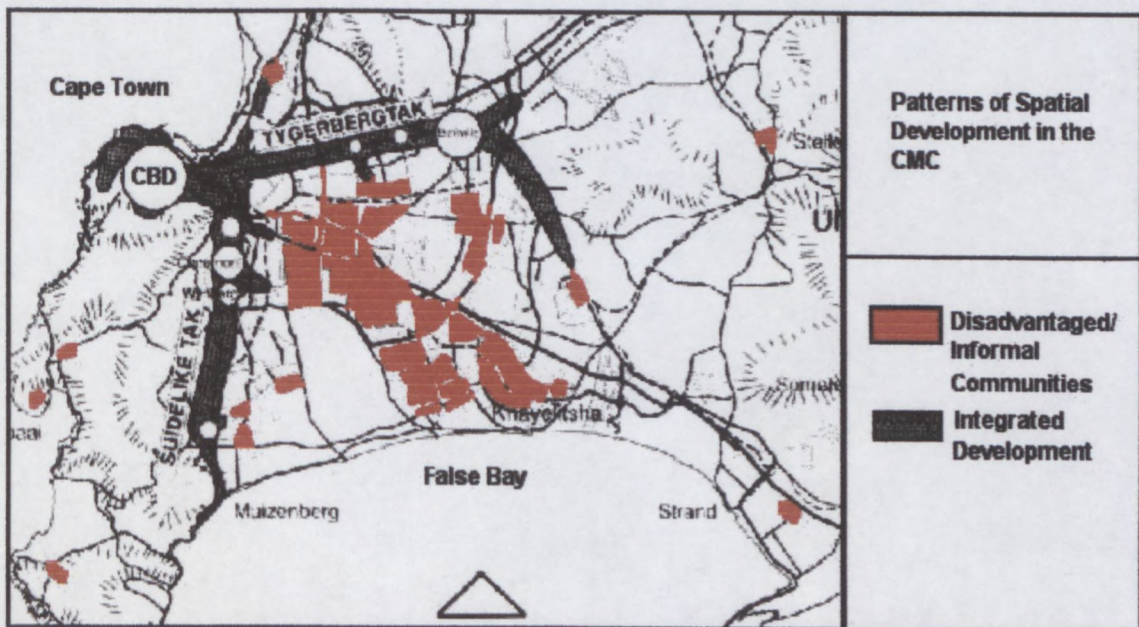


Figure 5.4: The current pattern of spatial development in the CMC (Source: Adapted from the Metropolitan Spatial Development Framework, 1996).

Swart (in Van den Berg, 1990:8) identified six different problem categories relating to the urban-rural transition area. These include the following:

- Administrative complications.
- The designation of incompatible land uses in this area.
- The competition between urban and rural land uses which leads to farmland not being optimally used.

- Agricultural land is used to address the recreational needs of the urban dwellers. This can adversely affect the financial status of local authorities, because recreational areas cannot compete financially with other urban uses.
- Services are more expensive than in the denser urban core.
- The settlement of informal communities, which leads to social and health problems.

The impact of informal settlement on the containment of urban sprawl should not be underestimated. Considering the policy of the Cape Metropolitan Council to create higher urban density one can see that open urban land will rapidly disappear, leading to the formation of informal settlements on the only land available, the urban- rural transition area.

## **5.4 Conclusion**

With the decreasing budgetary allowance for housing, one must consider a planning strategy, which optimizes the scarce resources to benefit the most end-users. Regulated squatting offers a possible medium term solution to this challenge. The reasons for this are twofold. By only delivering serviced plots (individually serviced or communal) more end users can be reached, reducing the prevalence of squatting. Secondly, the delivery of more rudimentary services will reduce the effect of non-payment. This is because the capital invested in infrastructure is less than in the provision of more extensive services and “too costly” services will not be imposed on the community. Upgrading services when the community can more readily afford it is a more economic alternative.



A more proactive stance towards informal settlement can also lead to better integration within and between urban areas. The legacy of spatially defined units is still dominant in the South African setting. By identifying areas for future informal settlement, planners can attempt to delineate areas with increased access to existing facilities. Instead of informal settlements appearing in fringe areas with no access to facilities, areas closer to existing facilities should be identified, reducing the need for new facilities.

Predetermining these said areas will also benefit the maintenance of an urban open space system. Open space systems can be maintained if informal settlements were to be more efficiently managed. If settlement takes place on a piece of land forming a part of an open space system, rapid relocation on land identified earlier for informal settlement should be an option.



## Chapter 6:

### Case study of alternative approaches to housing

#### 6.1 Introduction

Some of the initiatives proposed by planners in the Helderberg Municipal Area, which aim to address the current problems in the housing sector, are of interest in the context of potential alternative approaches to ensuring housing provision .

#### 6.2 Delimitation of the study area

The Helderberg area includes the towns of Somerset-West, Strand, Gordons Bay, Sir Lowry's Pass, Macassar and Faure. It constitutes one of the six sub-regional areas, or zones, delineated in the Cape Metropolitan Area.

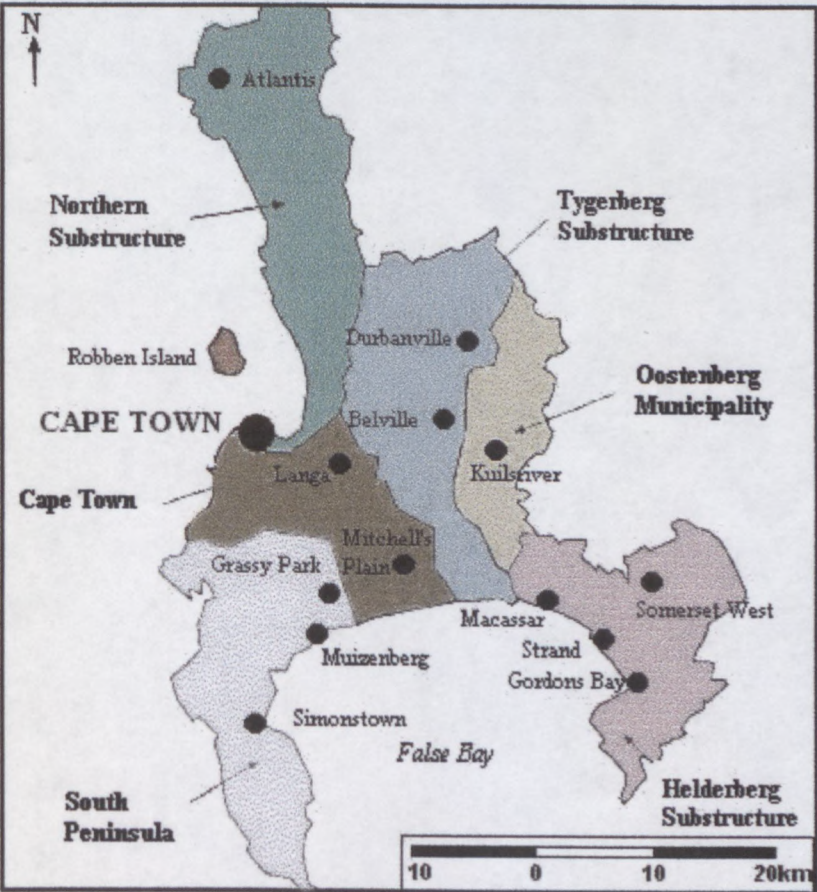


Figure 6.1: The Cape Metropolitan Area's Substructures (Adapted from Penderis, 1996).



The area falls under the jurisdiction of the Cape Metropolitan Council (see figure 6.1). The area is situated within the urban economic area of Cape Town and creates a large commuter population within the area. Due to this Somerset West is commonly viewed as a dormitory town for the metropolitan region (Penderis: 1996:9). Strong transport links exist between the area and Cape Town, especially the N2-route and other main arterials. The area is connected to Stellenbosch via the R44.

The area is characterized by predominantly white residential areas, close to the commercial centers with colored and black residential areas removed from town centers. There are currently eight major areas of informal communities (see figure 6.2). These are Madalla's Bush, Chris Hani Park, Erijaville, Casablanca, Nomzamo, Lwandle, Chris Nissen Park and Sun City.

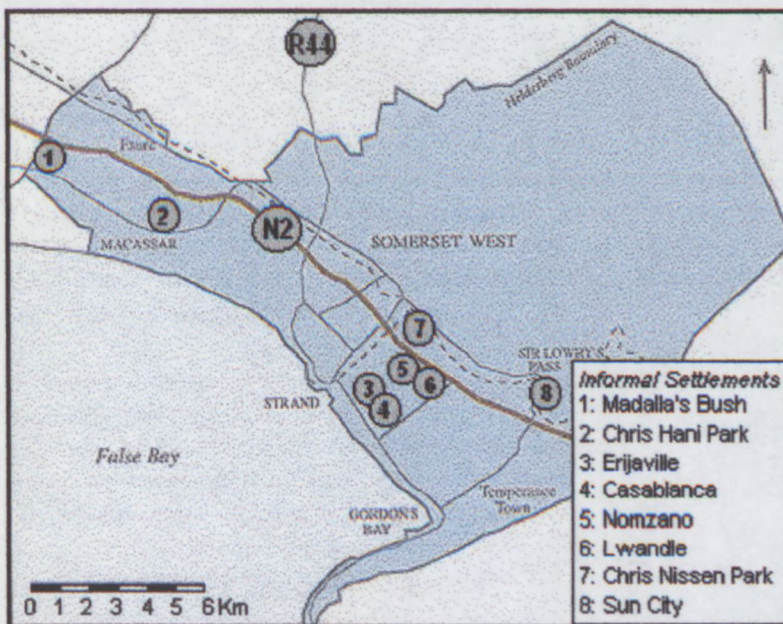


Figure 6.2: Informal Settlement in the Helderberg Basin (Source: Adapted from Penderis, 1996).

### 6.3 The scale of homelessness in the area

The scale of homelessness within the Helderberg area is estimated at approximately 11500 homeless families by the Helderberg Planning Division. Table 6.1 illustrates the distribution of homelessness and possible sites for relocation. The shortfall of erven for these homeless, with all possible land for housing and upgrading included, is set at around 3200 units.

Table 6.1: Areas with homeless persons and the areas of possible relocation in the Helderberg area.

<b>Project</b>	<b>Families</b>	<b>Resettlement</b>	<b>Erven Available</b>
Pinetown	65	Pinetown	70
Sir Lowry's Pass	650	Suncity 2A/2B	304
Gordons Bay Dumps	7	Die Vlakte	2000
Varkiesplaas	15	Die Vlakte	2000
Dennehof	16	Sercor Park	16
Dark City	48	Dark City/ Casablanca	65
Beverly Hills	72	Beverly Hills	72
Lwandle	2076	Lwandle Greenfields	1450
N2 Road reserve			
Standers Farm		Erf 18834	2540
T2		Standers Farm	700
Escom	3500		
Somerset West			
Strand	1500	10 ha	245
Chris Nissen	194	Chris Nissen	200
Chris Hani	300	Chris Hani	260
Faure	30	Macassar Village	300
Madallas Bush	150	Macassar Village	300
Macassar Sandvlei		Macassar Erf 2633	100
Zandvliet Dump	2400	Macassar Village	300
Firgrove	150	Macassar Village/ Erf 2633	100
<b>Total Homeless</b>	<b>11500*</b>	<b>Total Erven</b>	<b>8300*</b>

\* Due to the movement of people the totals have been rounded

(Source: Visser, 2000b)



## 6.4 Accelerated Management of Land Settlement Programme

The Cape Metropolitan Council has initiated a planning strategy, the Accelerated Management of Land Settlement Programme, to address the housing shortage in the area. The strategy entails the rapid release of land for families in crises, with a progressive approach to service delivery. The program is based on the following principles (Cape Metropolitan Council, 2000a: 2):

- Permanent settlement must be facilitated and not transit residential areas.
- The site will be upgraded *in situ*, at later stages in the project cycle.
- The project differs procedurally from conventional projects, in that it proposes the identification of land, planning, pegging, construction of basic services, relocation and the granting of tenure.
- The program excludes full services and a top structure in the initial phase to allow speedy delivery.

### 6.4.1 Land

Land, which is already owned by the Cape Metropolitan Council, the Provincial Housing Board or the Provincial Government, is preferred for the programme, since this will ensure the speedy transfer of land to the beneficiaries. The purchase of privately owned land should ensure that sufficient funding remains to subsidize the upgrading process. Expropriation of land should be deemed a last resort. The identification of land should pay special attention to the criteria set out in the Metropolitan Spatial Development Framework. The impact on the surrounding environment should also be taken into consideration (Cape Metropolitan Council, 2000a: 3).

### **6.4.2 Tenure**

Security of tenure is a priority of the strategy. Leasing and renting of erven is proposed until administrative and legal processes are finalized. Different forms of tenure can be considered: Outright purchase and ownership, “initial tenure”, as outlined in the Western Cape Planning and Development Bill, 1999, or communal property ownership as outlined in the Communal Property Associations Act, 1996 (Cape Metropolitan Council 2000a: 3).

### **6.4.3 Planning**

The planning should include the town planning procedure and assessment, environmental impact assessment, contours and geo-technical studies. Layout approval should be fast tracked to hasten the release of land. Provision should be made for social, environmental and economic facilities, as well as erven for high-density housing. Erf sizes may vary, but should comply with Provincial Housing Board standards. The Western Cape Planning and Development Bill’s provisions for “Accelerated Development” (Chapter 4 of the said Act) should be used when the bill comes into operation (Cape Metropolitan Council 2000a: 4).

### **6.4.4 Infrastructure**

A variety of infrastructure could be provided, but should include the basic road network, basic storm water drainage, basic water and sewage reticulation. Interim or basic sewer facilities could include chemical toilets, individual toilet structures and communal toilet

blocks (these should be strategically placed to be optimally accessible. Water provision could include one stand tap for 20 families or water taps at communal blocks (Cape Metropolitan Council 2000a: 5).

#### **6.4.5 Beneficiaries**

Beneficiaries are (Cape Metropolitan Council 2000a: 5):

- Families facing eviction.
- Beneficiaries who are in a crisis situation in an existing area (for example in a flood line).
- Families located on strategic land zoned for other functions.
- Families in backyard shacks or on the housing waiting list in crisis situations.

#### **6.5 Fast-tracking as a possible solution to the housing crisis**

The fast-tracking process, proposed by the Helderberg-municipality, is aimed at the alleviation of unacceptable living conditions experienced in parts of their municipal area within the financial constraints. Further aims are increased control of squatters, the provision of basic services, the upgrading of developments and improved control of the provision of housing.

##### **6.5.1 Method**

The process entails the provision of property for all squatters within the Helderberg-area. The process is not aimed at providing housing for everybody, but rather to allow the



Council to manage the squatter problem. There will, however be, service provision. The process will, if implemented, provide the relevant council with a set of pre-approved set of properties, which could be use by the relevant Housing Division to resettle persons from the current housing waiting lists (see figure 6.3).

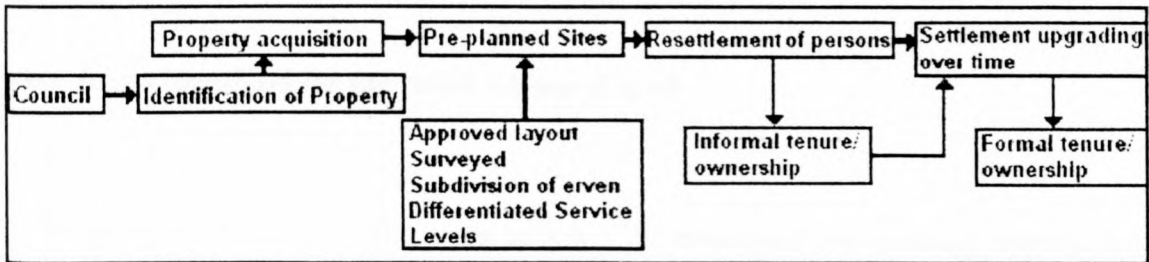


Figure 6.3: The “Fast-tracking of land” process (Source: Visser, 2000a).

The resettled persons then obtain tenure and ownership on a temporary basis. The names of the resettled persons are then registered with the council on a computerized tenure register. This register is to be provided to the deeds offices as a temporary tenure register until formal services can be delivered. With settlement upgrading the tenure can be changed from temporary to permanent tenure. The practical implications of this are that accounts, as well as services, can be sent to or provided for a tenure property owner.

### 6.5.2 Advantages

The proposed process has certain distinct advantages over current strategies:

- Funding can be spent on permanent services without spending money on preliminary services that needs to be removed once a formal layout is realized.
- A system is created where authorities can act against illegal occupation within the parameters of the law, since pre-arranged locations have been identified for settlement purposes.

- The service demand should decrease because officials and the Council can strategize service delivery in specified areas, instead of speculating where and when the consequent housing project should take place.
- The process will improve municipal efficiency because of a more organized form of settlement and improved tenure system.

## 6.6 Areas identified for the rapid release of land

This section will examine the areas targeted for municipal fast-tracking projects in the Helderberg area.

### 6.6.1 SW 10 ha Project

This site of 10 hectares, located close to the Somerset Mall, has been identified as a municipal project in the Somerset West region. The area is situated north of the Strand Golf Course and next to De Beers avenue (see figure 6.4).

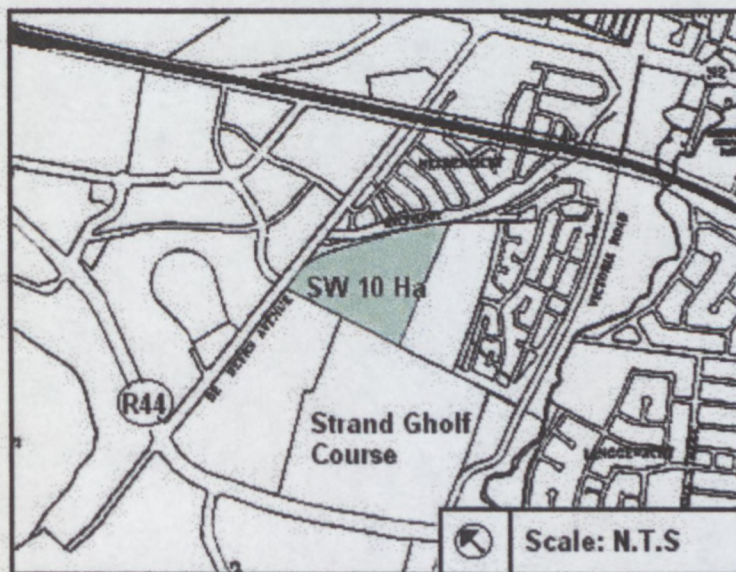


Figure 6.4: The SW 10 ha-project in the Helderberg area. (Source: Visser, 2000b).



The area must still be surveyed but plans are to deliver the full spectrum of services for 250 erven (this excludes top structures). The targeted users of the area are the informal communities in Somerset West and Strand.

### 6.6.2 Lwandle Greenfields and Die Vlakte

Both these sites are located south of the present N2-route (see figure 6.5). The Greenfields area is situated to the north of Lwandle and east of Onverwaght Street. The area still need to be rezoned, surveyed and subdivided before settlement can take place. The area is targeted for 1450 families from neighbouring Lwandle.

The Die Vlakte area is situated west of the future N2 alignment. The area has not been rezoned or surveyed, although a preliminary subdivision has been done. The projected layout will have approximately 2000 erven with services, making it one of the most important projects in the area.

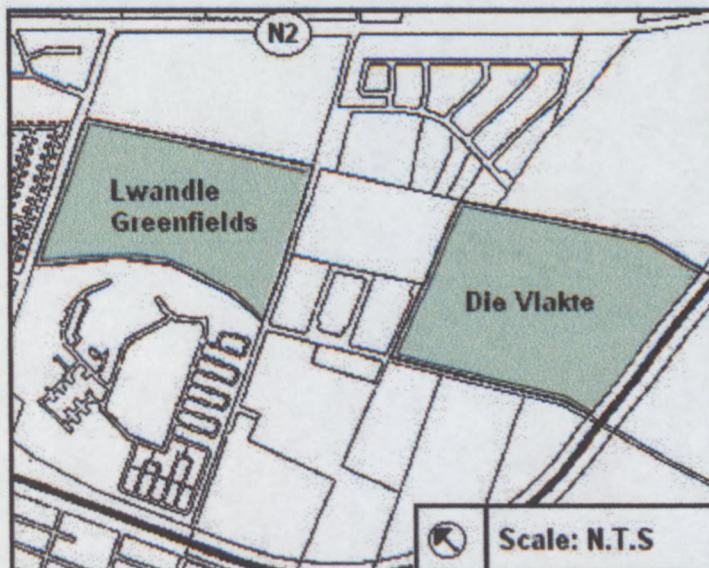


Figure 6.5: The Lwandle Greenfields and Die Vlakte Project. (Source: Visser, 2000b).



Die Vlakte will serve as the main recipient for people from the whole area and target communities include the overflow from Sir Lowry's Pass, the Gordons Bay Dump, Varkiesplaas, Lwandle, Somerset West and Strand.

### 6.6.3 Pinetown and Sun City 2A, 2B

Pinetown are situated north of Sir Lowry's Pass Village to the north of the existing N2 route (figure 6.6). The Pinetown project entails the resettlement of 65 families in the area on a site with 70 erven. Thus far, the proposed layout site has not been rezoned, subdivided or surveyed.

Sun City 2A and B are situated between Sir Lowry's Pass village, on the west, and Sun City on the east. Sun city 2A will provide 190 erven and Sun City 2B will provide 114. The targeted population for this area is the 650 homeless families in the Sir Lowry's Pass area. With these project taken into consideration, a shortfall of around 350 erven still exists in the area.

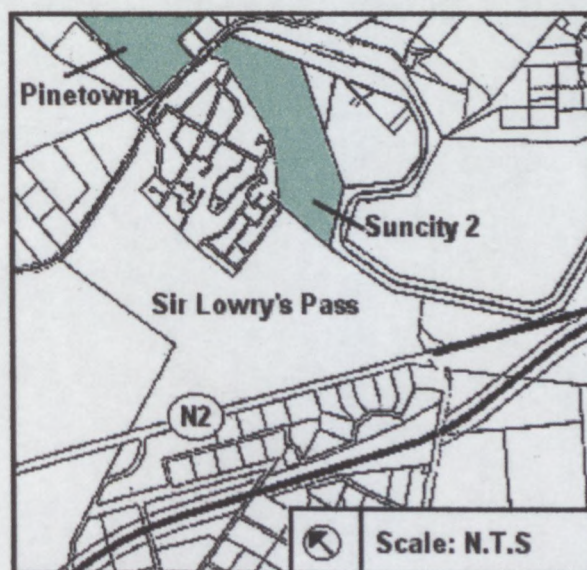


Figure 6.6: The Sun City 2 extension and Pinetown development. (Source: Visser, 2000b).

## 6.7 Conclusion

The Accelerated Management Land Settlement Programme offers planners a more viable strategy for dealing with informal settlement. This programme entails a proactive approach towards informal settlement, making the strategy more viable in the long run. The programme can be viewed as an emergency measure addressing the needs of the most poverty stricken communities, since the targeted beneficiaries include those facing eviction, people living in dangerous or unhealthy areas and people already on housing waiting lists.

The programme's real strength lies in the fact that it "plans" for informal settlement. By identifying and releasing land for occupation, local authorities can manage settlement on land within the current legal framework. An added advantage of the programme is that the risk of informal settlement on strategically zoned land can be significantly reduced, because land for settlement is already available. This will enable long term planning to be more sustainable because land will be used more effectively.

The cost implications of the programme will also benefit local authorities, since the proposed pre-planned sites will allow engineers and planners to design the most cost-effective service facilities and infrastructure. Because the sites are pre-planned, temporary infrastructure will not have to be provided, thus further reducing expenditure. Costs will also be reduced, since the removal and relocation of families will not be required when serviced land for settlement is available.



A further advantage of the programme is an increase in administrative effectiveness due to the computerization of ownership and tenure. This will make it easier for authorities to charge service costs to the community. This will reduce operational costs leading to more financial sustainability.

It is clear from the above that employing a more proactive approach to informal settlement and planning ahead for the eventuality of informal settlement, local authorities can address the housing problem experienced in urban areas more effectively. In the light of the increasing value of urban land, this will also enable planners to create a more sustainable strategy for the management of valuable land.



## **Chapter 7:**

### **Recommendations**

#### **7.1 Introduction**

The previous chapters illustrated the dire situation the South African housing delivery system is experiencing at present. Recommendations based on the contents of the research, which could improve the current and future situation, are:

#### **7.2 Focus on short to medium term solutions**

The recommendations mentioned should not be regarded as a long-term solution to the housing problem, but rather as mechanisms to deal with the housing shortage in the medium term. The issues addressed are those, which offer the greatest challenges in the present and immediate future. The recommendations thus address only these pressing issues over the short and medium term.

##### **7.2.1 Existing constraints and shortcomings relating to housing**

The recommendation set out in this chapter should be viewed with the following constraints (as set out in previous chapters) in mind:

- Decreased budgetary allowance from central government.
- Increase in individual housing subsidies.
- Rapid urbanization from rural areas with low economic activity, which will most likely continue over the medium term.

- Existing legal frameworks, which facilitates the establishment of informal settlements.
- The vacuum effect created by the provision of formal low-cost housing.
- The affordability of formally created, individualized services.
- The cost of infrastructure delivery on municipal budgets.

## **7.3 Recommendations**

### **7.3.1 Recommendations for existing informal communities**

The following section will make recommendations relating to already established informal settlements.

#### **7.3.1.1 Rapid ownership and land tenure**

The extent of informal settlement in South Africa creates the need for a system in which informal settlements should be granted security of tenure and ownership as quickly as possible. This should be done within the framework of the informal settlement, meaning that ownership should be based on the “natural” settlement pattern within the community. This will save costs relating to removal of settlers, and will reduce conflict.

It is realized that removal will have to take place to establish the necessary infrastructure, like a road network or ablution facilities, but it is argued that, at present, minimal removal should take place. The reason for this approach is that settlers will own land in terms of their needs and their abilities to maintain ownership of the land. Thus, within a

“natural” informal settlement, land tends, within limits, to be distributed in terms of the owners’ needs and ability.

This approach will also address the issue of urban sprawl since the densities of informal settlements tend to be higher than formally established housing. By implementing such an approach, the use of informal settlements as “transit” areas will be sufficiently addressed since communities will own the land they are residing on. Ownership of land will also lead to more involvement in community activities, since settlers will experience a more permanent form of residency

#### **7.3.1.2 Medium term delivery of communal services**

Within the current fiscal constraints and the low socio-economic status of those in informal settlements, the delivery of individualized services is too costly to be economically sustainable. The delivery of communal services will create a more feasible system due to the following:

- The reduction in the depth of service delivery will enable authorities to deliver basic amenities to a broader spectrum of end users. This will enable authorities to alleviate the most dire living conditions for a bigger section of the impoverished communities.
- The delivery of communal services will create a more flexible spatial pattern which will be able to meet the challenges of a unstable (migrating) population more efficiently. A rapidly growing population will be better catered for in terms of communal services than within the framework of individualized services.



- The economic aspects pertaining to service delivery will be more sustainable due to the lower capital expenditure as well as payment of services.

#### **7.3.1.3 Multi-functional and mobile facilities**

Authorities should create inter-departmental systems to facilitate the creation of multi-functional services on a basic level. Examples of such a system could include the combination of basic education, welfare and health services within the same location.

Mobile facilities could also alleviate the most pressing needs, like health and education. One can make special reference to the idea of mobile banking, which could boost the internal economies of these areas. Although not a long-term solution, it could address the needs currently experienced in the disadvantaged communities over the medium term, until economically sustainable solutions can be found.

These functions could also be employed to facilitate either formal or informal trade. Special reference should, in fact, be made to the betterment of economic activity within these areas. The clustering of multi-service locations could also serve as possible economic growth nodes.

#### **7.3.1.4 Integration**

Although there is a lot of controversy regarding informal settlement, authorities should accept their permanency over the medium term and introduce mechanisms to integrate these communities in relation to the larger urban context as rapidly as possible. Previous

housing policies have neglected the importance of integrating communities. Integration is not at present sufficiently addressed within the current layout and planning approaches, which still endorses, in principle, a westernized approach. Integration and increased access to already existing facilities can also reduce the need to create elaborate new infrastructure.

### **7.3.2 Recommendations for the management of future informal settlement**

#### **7.3.2.1 Provision of land for informal settlement**

Although new legislation regulating the establishment of informal settlements does not require of local authorities to demarcate or identify areas for squatting (the so-called “emergency camps” established under the provisions of the Squatter Act of 1951), authorities should take a proactive approach to cater for the eventuality of settlement. As opposed to the previous legislation, new areas should be identified as future squatter areas while taking settlers’ preferences into consideration. This will make long term planning more compatible with the event of informal settlement taking place. The following criteria offer suggestions to the identification of such areas:

- Areas close to natural sources of energy (such as wood).
- Areas close to building materials for shacks (this could include dumpsites and industrial areas where building material is readily available).
- Areas which offer fair access to road networks.
- Areas close to economic opportunities, for employment.
- Areas, which are fairly secluded, since settlements erected in the visual proximity of formally established areas are usually removed.

By then identifying “high risk” squatter areas, local authorities can compensate for their eventuality and still manage a sustainable growth policy.

### **7.3.2.2 Rural Development**

Although met with limited success in the past, rural development still offers an option to alleviate the problems experienced with the rapid urbanization experienced in the urban agglomerations of South Africa. The importance of rural development is critical, since low socio-economic development in rural areas will force people to migrate to our rapidly expanding cities. Cross et al (1999: 4) state the following in this regard:

- Economic conditions affecting job shedding in the rural sector will mediate the rate at which rural people need to look to the urban sector for work.
- If rural conditions remain bad, it is not likely that the CMA will be given the breathing space to sort out its crisis of delivery.

Thus, rural development should not be addressed in isolation from the problems relating to rapid urbanization. The government has been criticized on various occasions for neglecting rural areas in favour of urban development (The Star, 19 August 1999).

People immigrating from rural areas are often only skilled in agriculture-related activities and find themselves unable to cope with the challenges of urban life. Rural projects should be initiated in which rural people can attain access to land and a means to survival. A more holistic approach should be implemented so that sustainable and manageable growth of urban areas can be facilitated.



## 7.4 Conclusion

It is recognized that these suggestions, pertaining to improving housing delivery, does not offer a long-term answer to the housing problems, but do offer a medium term approach which could improve the management and development of urban areas at a later stage, when the process of urbanization has stabilized.

## **Chapter 8:**

### **Conclusion**

From this study it emerged that the current housing delivery system employed in South Africa may not be sustainable on the long run and that other, more practical and less expensive strategies should be considered.

Chapter 2 focused on the history of urbanization in South Africa, as well as the policies implemented in the past. It also indicated the current shortage and backlog of housing, especially in urban areas. The shortages of the present housing delivery system were highlighted as well. These included the incapability of formal individualized services to cater to the high influx of immigrants to rural areas and the problems rural immigrants experience in order to gain access to formal housing in urban areas. A less interventionist approach was suggested as a more effective method of catering to the rapidly urbanizing population.

Chapter 3 examined the legal aspects relating to informal settlement. An examination of the current legal frameworks relating to informal settlement indicated that all the present legislation makes provision, and creates mechanisms, for the establishment of legal informal settlements. The most important of the acts examined was the South African Constitution (Act nr. 108 of 1996), which ensures all South Africans access to housing, implying that squatting can be constitutionally justified. Other acts also created mechanisms in which formal planning procedures can be disregarded to facilitate the establishment of legit settlements as rapidly as possible. From this chapter it emerged that current “squatter” legislation does not provide for the identification of land for

squatters, thus increasing the probability of illegal occupation. It does, however, make the eviction of illegal occupants much harder for landowners. From this it was concluded that the current legal system creates a framework in which informal settlement is optimally facilitated.

Chapter 4 focused on current housing policies, strategies and the housing situation in South Africa. The immense national housing shortage and backlog was examined with special attention to the situation in the Cape Metropolitan Area. It also paid attention to the rising demand for housing in the face of decreasing budgetary allowance as well as the “snowball” effect of housing. This implies that the creation of housing creates expectations in people, which increase immigration to urban areas, subsequently leading to an increased demand in housing. From this it was deduced that current housing policies are not addressing housing delivery in a sufficient manner, due to increased demand and shrinking resources.

Chapter 5 examined the applicability of formal layout planning when taking informal settlement into consideration. The costs of infrastructure installation and the operational costs of service provision were examined. It was found that too high standards of service delivery are detrimentally affecting the financial sustainability of local authorities due to the fact that operational costs cannot be incurred from the poorer segments of the population. The westernized nature of layout planning was also criticized due to the creation of individualized neighbourhood units. This neighbourhood unit style of planning is criticized on the grounds that it requires a high level of individual car ownership, as well as sufficient fiscal resources to create neighbourhood specific facilities.



South Africa has neither the high levels of vehicle ownership nor sufficient fiscal resources to endorse such a method of planning. Finally the effect of informal settlement on the sustainability of an urban green space system was examined. From this chapter the need for a reduction in standards became evident, since it would increase the amount of end-users reached within the same financial budget, as well as making services more affordable for communities.

Chapter 6 examined the rapid release of land for settlement, as postulated by the Accelerated Management of Land Settlement Programme. This housing delivery focuses on the delivery of sites with different levels of services. These services are meant to be upgraded over time, as they become more affordable to the community.

Chapter 7 examined certain recommendations for the management of informal settlement. These recommendations focused on already existing informal settlements as well as the possible future occupation of land. Rapid ownership of land, a focus on communal services and bigger integration with existing areas was noted as possible solutions for existing informal settlements. The need to identify land for future settlement was also mentioned as well as an increased focus on rural development to reduce immigration to cities.

Taking the above into consideration it is evident that the planner must change his or her attitude towards informal settlement from a reactive to a proactive approach. Informal settlement will not be decreased over the medium term and planners should continue to search for strategies, which will integrate the demand for shelter and services within manageable and sustainable urban environments.

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